

**Pages 1 to / à 2**  
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**21(1)(b), 19(1), 21(1)(a)**

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**21(1)(b), 23, 19(1), 21(1)(a)**

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**21(1)(b), 19(1), 21(1)(a)**

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**21(1)(b), 23, 19(1), 21(1)(a)**

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**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

MEMORANDUM FOR THE REGIONAL DIRECTOR GENERALADMINISTRATIVE CHANGES IN SUPPORT OF INSHORE LICENCING  
POLICIES IN THE LOBSTER FISHERY

(Decision Sought)

**SUMMARY**

- Concerns have been raised by individuals and associations concerning compliance with the *Owner Operator* and *Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries (PIICAF)* policies. Many concerns relate to how the Maritimes Region administers substitute operator and partnering privileges.
- Current administration of the substitute operator provisions may be circumventing the PIICAF policy by supporting licence leasing and the Maritimes Region is also seeing changes to partnering, traditionally utilized by a limited number of licence holders who would partner prior to the season opening and remain in the partnership for the entire season.
- 
- It is recommended that the Maritimes Region limit in-season substitute operator authorization to operators fishing the licence holder's vessel and gear and also discontinue the practice of allowing in-season partnering. These changes will be discussed and communicated through the regional advisory process beginning in September 2016.

**Background**

- The fisheries management decision-making process is structured to promote conservation of the resource and enable the fishery to be undertaken in an orderly manner. It is guided by fishery and licensing policies, like the *Owner Operator* and *Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries (PIICAF)* policies.

.../2

s.21(1)(a)

s.21(1)(b)

- The Owner Operator policy is intended to support an independent inshore fleet; requiring licence holders to personally fish their licences and limiting the number of licences issued to an individual. To further support these requirements, limits have been placed on agreements that would control or influence the licence holders decision to request licence reissuance (PIIFCAF).
- The Owner Operator policy includes options for the licence holder to request, under certain conditions, a substitute operator. This provision is intended to allow an alternative operator to fish on behalf of a licence holder, fishing the licence holder's vessel and gear. This practice has evolved in the Maritimes Région such that in-season requests sometimes result in the operator utilizing a different vessel and requesting a full set of replacement tags. This is a particular concern [REDACTED] where many licence holders traditionally land their gear for the winter months.
- Partnering is the practice of allowing two licences held by two separate licence holders to be fished from a single vessel utilizing 150% of the total trap allocation and is a long standing policy option. Traditionally, this option was utilized by a limited number of licence holders who would partner for the entire season. Following the introduction of flexible partnership and the outsourcing of tag issuance, there has been a shift in trends for partnering. Increasing numbers of licence holders are choosing to partner partway through the season, [REDACTED] Statistics are attached (TAB 1).
- Concerns have been raised by individuals and associations concerning compliance with these policies; specifically the manner in which the Maritimes Region is administering the substitute operator and partnering provisions.

- [REDACTED]

#### Analysis / DFO Comment

- Data analysis of in-season partnering suggests those utilizing this option may have an interest in more than one licence. Additionally, authorizing a substitute operator in-season, where the operator is utilizing a different vessel and gear, is seen as a form of licence leasing. Both of these options may be a means of circumventing the PIIFCAF policy.

.../3

s.21(1)(a)

s.21(1)(b)

- [REDACTED]
- In-season partnerships and administrative options, specific to the Maritimes Region, create an avenue for additional gear to be set. [REDACTED]
- Requests for in-season substitute operator authorizations, [REDACTED] are creating issues. Licence holders [REDACTED] who traditionally landed gear during the winter months are being approached by harvesters wanting to "lease" licences, offering a percentage of catch sales. In some instances the licence is then fished many miles from the licence holder's traditional fishing grounds, using a larger vessel. [REDACTED]

#### **Aboriginal Consultation/Consideration**

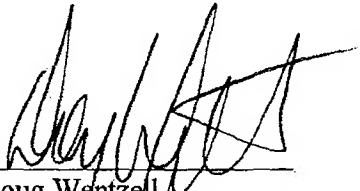
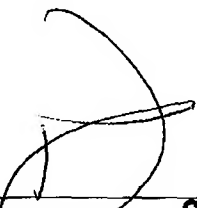
- Changes to the designation of operators or vessels for commercial communal licences do not necessarily require the issuance of new tags. Aboriginal organizations cannot partner with commercial licence holders and, where they designate the same vessel to fish more than one licence, they are authorized to fish the full trap allotment for each licence. These issues are managed on a case by case basis.

#### **Recommendations / Next Steps**

- It is recommended that the Maritimes Region discontinue the practice of allowing in-season partnering in the lobster fishery. It is further recommended that in-season substitute operator authorization be limited to instances where the substitute operator is fishing on behalf of the licence holder using the licence holder's gear and vessel.
- These changes will be discussed with the regional advisory committees for all lobster fishing areas and implemented immediately if no significant concerns are raised.

.../4



  
\_\_\_\_\_  
Doug Wentzell  
A / Regional Director – Fisheries Management  
\_\_\_\_\_  
I concur, SEP 01 2016  
Morley Knight  
RDG, Maritimes Region  
\_\_\_\_\_  
I do not concur,  
Morley Knight  
RDG, Maritimes Region

Attachment: TAB 1 – Partnership Statistics

s.21(1)(a)  
s.21(1)(b)

TAB 1

2013 Season				2014 Season				2015 Season				2016 Season			
01/12/2012		01/04/2013		01/12/2013		01/04/2014		01/12/2014		01/04/2015		01/12/2015		Current (2016-02-02)	
Std.	Flex	Stack	Std.	Flex	Stack	Std.	Flex	Stack	Std.	Flex	Stack	Std.	Flex	Stack	Stack

Source - Report LS4061A for dates as indicated



s.19(1)

s.21(1)(a)

s.21(1)(b)

s.23

**SECRET AND SOLICITOR-CLIENT PRIVILEGE**

2015-102-00071 v5

ABQ-6270-1

**MEMORANDUM FOR THE MINISTER**

**RECOMMENDATION OF THE ATLANTIC FISHERIES LICENCE APPEAL BOARD  
(FOR DECISION)**

**SUMMARY OF ADVICE TO MINISTER**

**BACKGROUND**

AFLAB was established in 1986 by the then Minister of Fisheries and Oceans to hear appeals from individuals dissatisfied with departmental licensing decisions. Only Atlantic Canada and Quebec eligible inshore commercial fishers have access to AFLAB, however, the Minister may refer to the Board any matter he may wish to have reviewed.

The mandate of the AFLAB is to determine whether a particular individual has been treated fairly in accordance with the Department's policies, practices and procedures, and to determine if extenuating circumstances exist for deviation from established policies, practices and procedures. Based on its findings, the AFLAB makes recommendations to the Minister. Further background information on the appeal board can be found in TAB 1.



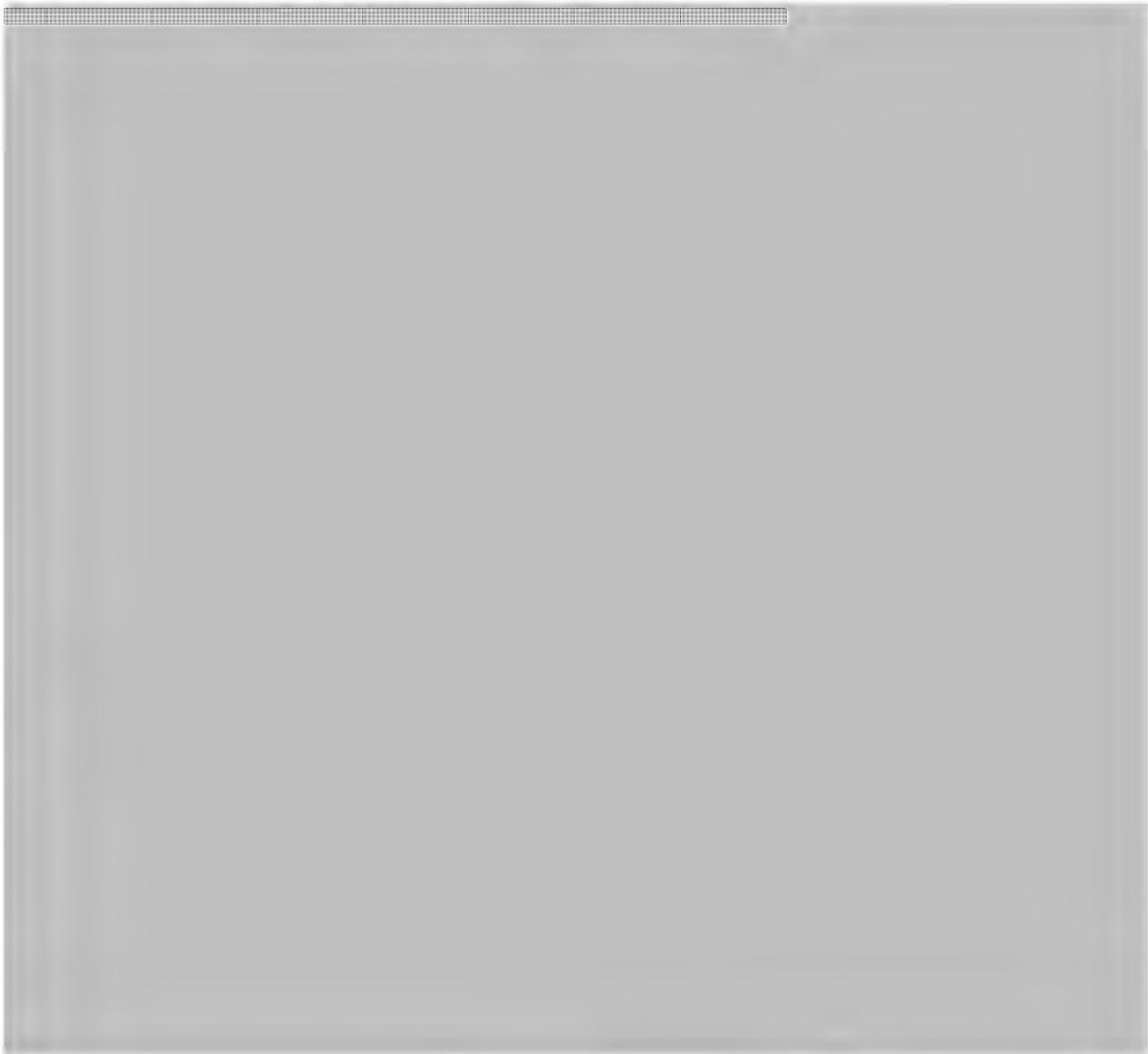
s.19(1)

s.21(1)(a)

s.21(1)(b)

s.23

**STRATEGIC CONSIDERATIONS: POLICY DEVELOPMENT**



**INTRADEPARTMENTAL CONSULTATIONS**

Newfoundland and Labrador region [REDACTED] were consulted with in the development of this memorandum.

**INTERDEPARTMENTAL CONSULTATIONS**

There were no interdepartmental consultations necessary in relation to this issue.

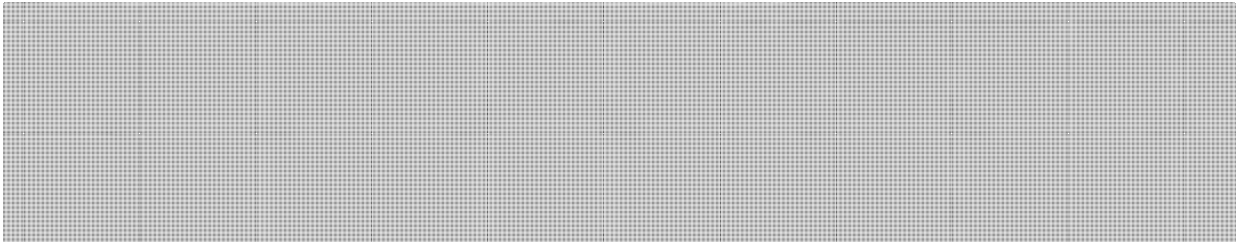
.../4

s.19(1)  
s.21(1)(a)  
s.21(1)(b)

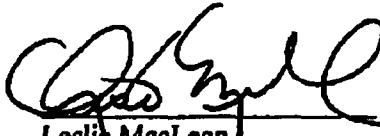
**SECRET AND SOLICITOR-CLIENT PRIVILEGE**

- 4 -


**ADVICE AND RECOMMENDATIONS TO MINISTER**



\_\_\_\_\_  
Matthew King  
Deputy Minister

  
\_\_\_\_\_  
Leslie MacLean  
Associate Deputy Minister

- ☒ I concur with the recommendations  
☐ I do not concur with the recommendations

  
\_\_\_\_\_  
Hunter Tootoo  
Minister

Minister's comments:

Attachments: (4)



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**21(1)(b), 19(1), 21(1)(a)**

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2016-702-00028  
EKME # 3597885

**MEMORANDUM TO THE REGIONAL DIRECTOR, FISHERIES AND AQUACULTURE  
MANAGEMENT**

**SUBSTITUTE OPERATOR PRIVILEGES BEYOND FIVE YEARS 2016  
(For Decision)**

**SUMMARY OF ADVICE TO REGIONAL DIRECTOR, FISHERIES AND  
AQUACULTURE MANAGEMENT**

The purpose of this memo is to request a substitute operator authorization for licence holders in Eastern New Brunswick (ENB), Prince Edward Island (PEI) and Gulf Nova Scotia (GNS) for beyond five years.

Thirty-four fish harvesters (Tab 1) from the ENB, PEI and GNS Administrative Areas, have requested authorizations for substitute operators for the 2016 fishing season.

These requests are for beyond five years and therefore require the authorization of the Regional Director, Fisheries and Aquaculture Management.

It is recommended that the requests for substitute operator received from the 34 fish harvesters listed in Tab 1 be approved for the 2016 fishing season.

**BACKGROUND**

Several fish harvesters (listed in Tab 1) have requested authorizations for substitute operators for the 2016 fishing season. The table shows which Administrative Area the fish harvesters are from, the licences they hold and their fish harvester category.

All fish harvesters listed in Tab 1 have been authorized for substitute operator privileges for at least the past five years for various medical reasons.

**STRATEGIC CONSIDERATIONS: POLICY DEVELOPMENT**

The Area offices have conducted an analysis of each request to be authorized for substitute operator due to medical reasons. Each applicant was determined to meet the criteria set out in the Substitute Operator Guidelines. It is therefore being recommended that the requests for the fish harvesters listed in Tab 1 for 2016 fishing season be approved by the Regional Director, Fisheries and Aquaculture Management

.../2



As per the Substitute Operator Guidelines for the Gulf Region, all requests for substitute operator exceeding five years will be reviewed on a case by case basis and are to be authorized by the Regional Director, Fisheries and Aquaculture Management.

**INTRADEPARTMENTAL CONSULTATIONS**

Each Area Office has provided their list of licence holders who will require substitute operators beyond five years for the 2016 season.

**INTERDEPARTMENTAL CONSULTATIONS**

Interdepartmental consultations not required.

**ADVICE AND RECOMMENDATIONS TO REGIONAL DIRECTOR, FISHERIES AND AQUACULTURE MANAGEMENT**

It is recommended that the requests for substitute operator received from the 34 fish harvesters listed in Tab 1 be approved for the 2016 fishing season.

---

Marc LeCouffe  
A/Director  
Resource and Aboriginal Fisheries Management

☐

I concur with the recommendations

☐

I do not concur with the recommendations

---

Frank Quinn  
A/Regional Director  
Fisheries and Aquaculture Management

Regional Director, FAM comments:

Attachment (1)

Tab 1 - List of fish harvesters requesting substitute operator authorization beyond five years

2016-702-00028 Substitute operator privileges beyond five years 2016  
I. Elliott, 506-378-0845, Regional FAM Officer / S. Comeau / C. Mills / A. Dwyer / M. Legere / I. LeBlanc / I. Frenette / cg



MECTS # 2016-702-00028

EKME # 3597885

FILE / FICHER #GGC-6270-0/E001

To: Frank Quinn, A/RD, FAM  
Pour:

Date:

Object: **SUBSTITUTE OPERATOR PRIVILEGES BEYOND FIVE YEARS 2016**

Objet:

From / De: Isabelle Frenette, A/Regional Manager, Resource Management

Via: Marc LeCouffe, A/Director, Resource and Aboriginal Fisheries  
Management

☒ Your Signature  
Votre signature

☐ Information

☐ For Comments  
Observations

☐ Material for the Minister  
Documents pour la Ministre

Remarks:  
Remarques:

**DISTRIBUTION**

Steve Maund  
Fernande Brideau  
Barbara MacArthur

Drafting Officer/ Rédacteur: I. Elliott 506-378-0845 \_\_\_\_\_

S. Comeau \_\_\_\_\_  
C. Mills \_\_\_\_\_  
A. Dwyer \_\_\_\_\_  
M. Legere \_\_\_\_\_  
I. LeBlanc \_\_\_\_\_  
I. Frenette \_\_\_\_\_

Tab 1

2016-List of Fish Harvesters Requesting Substitute Operator Authorization Beyond 5 Years				
	Licence Holder	Admin. Area	Licences	Category
1		ENB		
2		ENB		
3		ENB		
4		ENB		
5		ENB		
6		ENB		
7		ENB		
8		ENB		
9		ENB		
10		ENB		
11		ENB		
12		ENB		
13		ENB		
14		ENB		
15		ENB		
16		ENB		
17		ENB		
18		ENB		
19		ENB		
20		ENB		
21		ENB		
22		ENB		
23		ENB		
24		ENB		
25		ENB		

2016-List of Fish Harvesters Requesting Substitute Operator Authorization Beyond 5 Years				
	Licence Holder	Admin. Area	Licences	Category
26		ENB		
27		ENB		
28		ENB		
29		ENB		
30		GNS		
31		GNS		
32		GNS		
33		GNS		
34		GNS		
33		GNS		
34		PEI		

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**19(1)**

**of the Access to Information Act  
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**21(1)(b), 19(1), 21(1)(a)**

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**21(1)(b), 23, 21(1)(a)**

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**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

## Longtin, Jean

---

**From:** Hopkins, Lillian  
**Sent:** Tuesday, October 4, 2016 7:19 PM  
**To:** Stringer, Kevin  
**Cc:** Patrick, Lindsey  
**Subject:** Fw: INFORMAL: Medical Exemption

Kevin - I'm passing this on for situational awareness only. Info on a specific medical exemption request from MINO.

L.

---

**From:** Rossignol, Pauline <Pauline.Rossignol@dfo-mpo.gc.ca>  
**Sent:** Tuesday, October 4, 2016 1:03 PM  
**To:** Waddell, Mark  
**Cc:** Baldwin, Jennifer; Richter, Julie; Martin, Leonard; Butcher, Ashley; Hopkins, Lillian; Martel, Robyne; Patrick, Lindsey  
**Subject:** RE: INFORMAL: Medical Exemption

Hi Mark, below is the response for this Informal (approved by the A/RDG):

As of July of 2015, the Maritimes Region began to communicate to licence holders the five year limit set out in policy including written notification that they were beyond the timeframe set out in policy that approval beyond the current season would require and exception to policy through the appeal process. The licence number below was included in this process. The licence holder was mailed a letter dated August 13, 2015 of the following:

*I am writing today to advise that your request for medical substitute operator has been approved, to May 31, 2016. Approval to May 31, 2016, goes beyond the period set out in policy (see below) for substitute operator provisions to accommodate a licence holder affected by an illness.*

*(11) Where the holder of a licence is affected by an illness which prevents him from operating a fishing vessel, upon request and upon provision of acceptable medical documentation to support his request, he may be permitted to designate **a substitute** operator for the term of the licence. **Such designation may not exceed a total period of five years.***

*Future requests for substitute operator that exceed the timeframe set out in policy, will not be approved. In the event you feel an exception to policy is warranted, I recommend that you submit a request to the Regional Licensing Appeal Board.*

*Please contact Nancy MacNeil at [nancy.macneil@dfo-mpo.gc.ca](mailto:nancy.macneil@dfo-mpo.gc.ca) or via telephone at (902) 499-9559 if you require additional information.*

The Regional Licensing Appeal Committee have been reviewing requests for exceptions to the policy and in doing so developed the framework for assessment of these requests to ensure a fair and consistent approach for determination of whether an exception to policy is warranted.

Additionally the regional policy advisor is working with affected individual and professionals who provide support services to promote and understanding of the process and the rationale for the 5 year limit.

The policy advisor will contact the licence holder to explain the process and assist the licence holder in preparing a request for policy exemption based on his particular circumstances.

s.19(1)

Thank you.

Pauline

---

**From:** Waddell, Mark

**Sent:** September-27-16 11:23 AM

**To:** Rossignol, Pauline

**Cc:** Baldwin, Jennifer; Richter, Julie; Martin, Leonard; Butcher, Ashley; Hopkins, Lillian; Martel, Robyne; Patrick, Lindsey

**Subject:** INFORMAL: Medical Exemption

Good Morning,

MINO is seeking background on the case presented below and is also interested in seeing resolution to this matter.  
Please advise.

Thanks,

M

\*\*\*

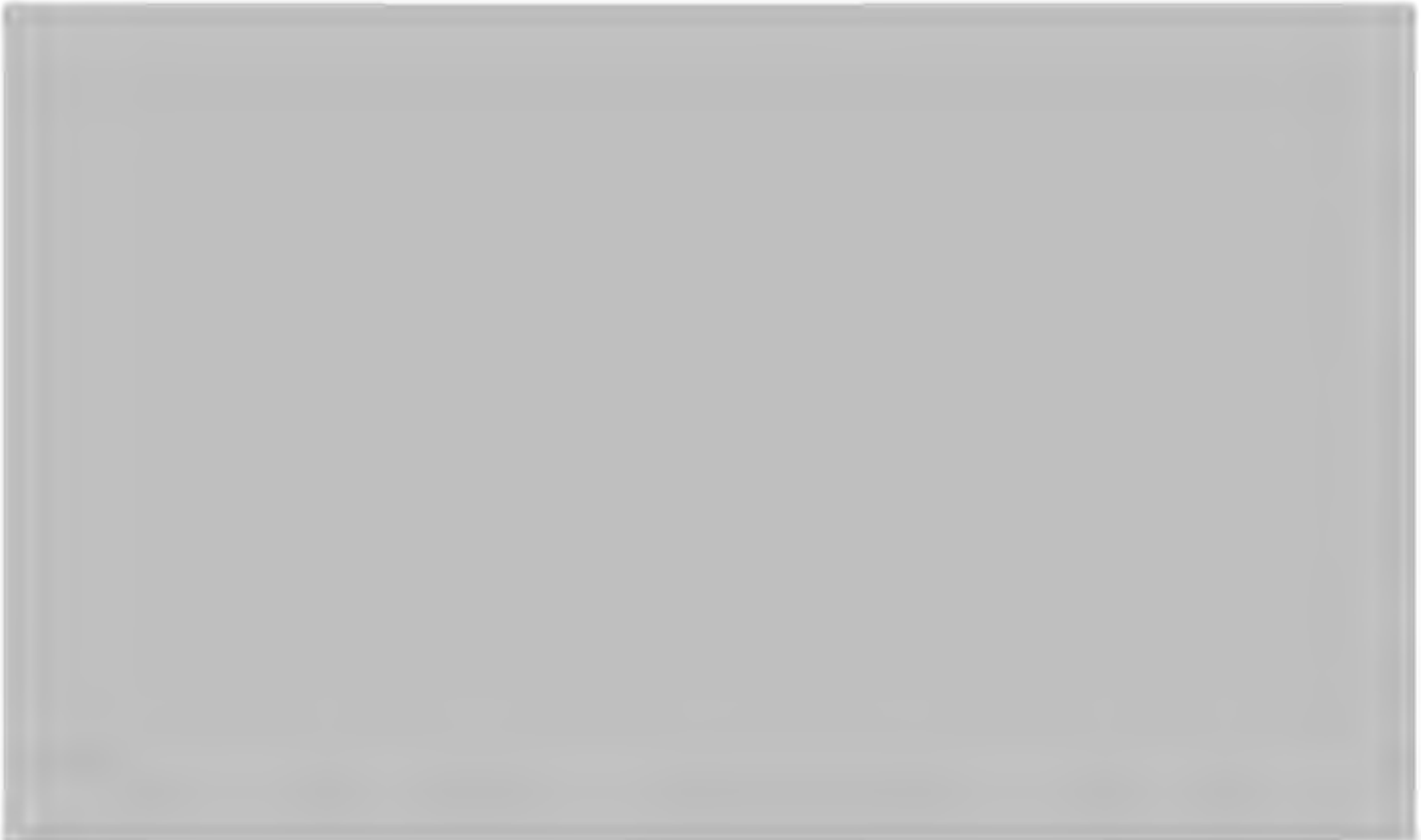


**Mark Waddell**  
Departmental Assistant | Adjoint ministériel  
Minister's Office | Bureau du Ministre  
Fisheries & Oceans Canada | Pêches et Océans Canada  
Tel: 613-947-4561 | [Mark.Waddell@dfo-mpo.gc.ca](mailto:Mark.Waddell@dfo-mpo.gc.ca)

**Minister / Ministre (DFO/MPO)**

2016-001-03101

**From:** [REDACTED]  
**Sent:** November-07-16 12:23 PM  
**To:** Minister / Ministre (DFO/MPO)  
**Subject:** RE: Reply from Fisheries and Oceans Canada



----- Original Message -----

**Subject:** Reply from Fisheries and Oceans Canada  
**From:** "Minister / Ministre (DFO/MPO)" <Min.XNCR@dfo-mpo.gc.ca>  
**Date:** Mon, November 07, 2016 11:51 am  
**To:** [REDACTED]

=====le français suit=====

Attached is the signed response to your correspondence addressed to the Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard. For your convenience, the response is reproduced in the text below.

=====

Veuillez trouver ci-jointe la réponse à votre correspondance adressée à l'honorable Dominic LeBlanc, Ministre des Pêches, des Océans et de la Garde côtière canadienne. Pour votre commodité, la réponse est produite ci-dessous.

Ministerial Correspondence Control Unit  
Fisheries and Oceans Canada / Government of Canada  
200 Kent Street / Ottawa ON K1A 0E6  
[min@dfo-mpo.gc.ca](mailto:min@dfo-mpo.gc.ca) / Tel: 613-992-3474 / Fax: 613-990-7292

Unité de contrôle de la correspondance ministérielle  
Pêches et Océans Canada / Gouvernement du Canada  
200, rue Kent / Ottawa ON K1A 0E6  
[min@dfo-mpo.gc.ca](mailto:min@dfo-mpo.gc.ca) / Tél : 613-992-3474 / Téléc : 613-990-7292

Thank you for your correspondence of September 21, 2016, regarding lobster fishing licences in Nova Scotia.

As you may be aware, in July 2015, the Honourable Gail Shea, former Minister of Fisheries and Oceans, announced measures to ensure compliance with the *Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries* (PIIFCAF) and owner-operator policies. These measures have been implemented in the Maritimes Region, and have resulted in several licence holders being required to demonstrate ongoing compliance with the PIIFCAF. In particular, both random and targeted reviews were, and continue to be undertaken to ensure ongoing compliance. The reviews are based on triggers, which allow Fisheries and Oceans Canada to analyze data in order to identify anomalies in fishing activity. As an additional measure to support PIIFCAF compliance, since August 2015, the Maritimes Region has focused its effort on the consistent application of the five-year substitute operator policy for medical purposes provided in the *Commercial Fisheries Licensing Policy for Eastern Canada*.

Additional measures were introduced in the Maritimes Region for the 2017 lobster fishing season to further support the owner-operator policy, which includes the following:

- discontinuing the option to partner in-season; and,
- limiting in-season requests for a substitute operator honouring the intent of the policy, which ensures the substitute operator is fishing using the actual licence holder's licence, vessel and gear.

Thank you for providing me with your thoughts on this matter, and I trust that my response has addressed your company's concerns.

Yours sincerely,

Original signed by



Dominic LeBlanc, P.C., Q.C., M.P.  
Minister of Fisheries, Oceans and the Canadian Coast Guard



**Pages 139 to / à 141  
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**19(1)**

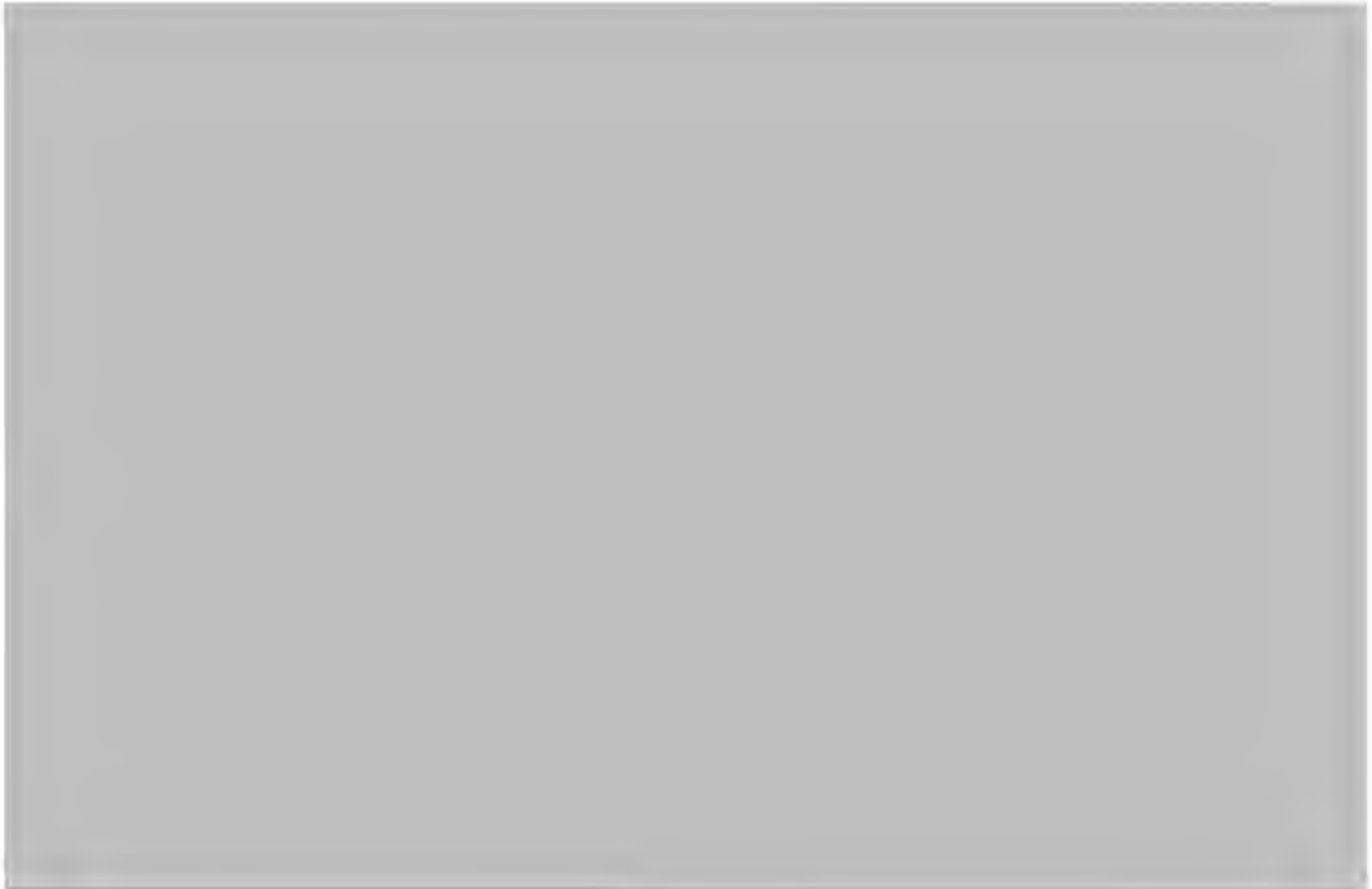
**of the Access to Information Act  
de la Loi sur l'accès à l'information**

2017-001-01620

**Minister / Ministre (DFO/MPO)**

---

**From:** [REDACTED]  
**Sent:** August-16-17 1:09 PM  
**To:** Minister / Ministre (DFO/MPO)  
**Subject:** Re: Reply from Fisheries and Oceans Canada- Owner Operator  
**Categories:** Reply by Department, EAST/International



**From:** Minister / Ministre (DFO/MPO)  
**Sent:** Monday, October 31, 2016 2:14 PM  
**To:** [mailto:](#) [REDACTED]  
**Subject:** Reply from Fisheries and Oceans Canada

=====le français suit=====

Attached is the signed response to your correspondence addressed to the Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard. For your convenience, the response is reproduced in the text below.

=====

Veuillez trouver ci-jointe la réponse à votre correspondance adressée à l'honorable Dominic LeBlanc, Ministre des Pêches, des Océans et de la Garde côtière canadienne. Pour votre commodité, la réponse est produite ci-dessous.

## Berthier, Jacinta

---

**From:** Berthier, Jacinta  
**Sent:** Thursday, October 5, 2017 3:16 PM  
**To:** Curlett, Karen A  
**Cc:** Wentzell, Doug; Haley, Brenda; MacLellan, Elizabeth; Dunn, Patricia  
**Subject:** RE: Question regarding new incoming on owner-operator and Lobster Fishing Area 34.

Hi Karen,

Yes, this letter would warrant a response.

Verna has drafted the following and I approve as acting Regional Director today:

---

Dear [REDACTED]

Thank you for your correspondence of October 2, 2017, regarding [REDACTED] an LFA 34 lobster licence.

[REDACTED] the Department is continuing its efforts to ensure compliance with the policy on Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fishery (PIIFCAF) as well as the owner-operator policy. To that end, the Department is moving forward with compliance reviews where it has been identified a possible Controlling Agreement may be in place. In cases where a licence is deemed to be subject to a Controlling Agreement, there is an opportunity for the licence holder to make a further appeal.

As a result, the lobster fishery continues to be limited-entry and all licences are fully-allocated.

Thank you for reaching out to me again.

---

Regards,  
Jacinta

**Jacinta Berthier**

Director, Resource and Aboriginal Fisheries Management  
Fisheries and Oceans Canada | Government of Canada  
[Jacinta.Berthier@dfo-mpo.gc.ca](mailto:Jacinta.Berthier@dfo-mpo.gc.ca) | Tel: 902 426-7681 | Cel: 902 240-3967

Directrice Gestion des ressources et pêches autochtones  
Pêches et Océans Canada | Gouvernement du Canada  
[Jacinta.Berthier@dfo-mpo.gc.ca](mailto:Jacinta.Berthier@dfo-mpo.gc.ca) | Tél. : 902 426-7681 | Tél. cell. : 902 240-3967

If you have received this communication by mistake, please notify the sender immediately and delete the communication without printing, copying or forwarding it. Thank you.

Si vous avez reçu cette communication par erreur, veuillez en aviser l'expéditeur immédiatement et la supprimer sans l'imprimer, la copier, ou la faire suivre. Merci.

s.19(1)  
s.21(1)(a)  
s.21(1)(b)

**From:** Curlett, Karen A  
**Sent:** Thursday, October 5, 2017 2:07 PM  
**To:** Berthier, Jacinta <Jacinta.Berthier@dfo-mpo.gc.ca>  
**Cc:** Wentzell, Doug <Doug.Wentzell@dfo-mpo.gc.ca>; Haley, Brenda <Brenda.Haley@dfo-mpo.gc.ca>; MacLellan, Elizabeth <Elizabeth.MacLellan@dfo-mpo.gc.ca>; Dunn, Patricia <Patricia.Dunn@dfo-mpo.gc.ca>  
**Subject:** Question regarding new incoming on owner-operator and Lobster Fishing Area 34.  
**Importance:** High

Hi Jacinta, Ottawa is asking me again about this one. [REDACTED]

Thank you  
Karen

---

**From:** Curlett, Karen A  
**Sent:** October 3, 2017 11:07 AM  
**To:** Wentzell, Doug; Berthier, Jacinta  
**Cc:** Haley, Brenda  
**Subject:** Question regarding new incoming on owner-operator and Lobster Fishing Area 34.

Hi Doug and Jacinta,  
Please see email below from Paul. [REDACTED]

Thanks  
Karen

---

**From:** Northcott, Paul  
**Sent:** October 3, 2017 10:40 AM  
**To:** Curlett, Karen A  
**Subject:** Question regarding new incoming on owner-operator and Lobster Fishing Area 34.

Hi Karen,

[REDACTED]

Thanks

Paul Northcott

Writer-Editor, Ministerial Correspondence Control Unit

Fisheries and Oceans Canada / Government of Canada  
[Paul.Northcott@dfo-mpo.gc.ca](mailto:Paul.Northcott@dfo-mpo.gc.ca) / Tel : 613-991-0284

Rédacteur-Réviseur, Unité du contrôle de la correspondance ministérielle  
Pêches et Océans Canada / / Gouvernement du Canada  
[Paul.Northcott@dfo-mpo.gc.ca](mailto:Paul.Northcott@dfo-mpo.gc.ca) / téléphone : 613-991-0284

[XNCR-GrpCW/RC@dfo-mpo.gc.ca](mailto:XNCR-GrpCW/RC@dfo-mpo.gc.ca) to contact all MCCU Writers / pour rejoindre tous les rédacteurs d'UCCM  
[XNCR-GrpCA/AC@dfo-mpo.gc.ca](mailto:XNCR-GrpCA/AC@dfo-mpo.gc.ca) to contact all MCCU Analysts / pour rejoindre tous les analystes d'UCCM

**Berthier, Jacinta**

---

**From:** Minister / Ministre (DFO/MPO)  
**Sent:** Monday, September 18, 2017 12:41 PM  
**To:** [REDACTED]  
**Subject:** Reply from Fisheries and Oceans Canada  
**Attachments:** 2017-001-01620.pdf

=====le français suit=====

Attached is the signed response to your correspondence addressed to the Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard. For your convenience, the response is reproduced in the text below.

=====

Veillez trouver ci-jointe la réponse à votre correspondance adressée à l'honorable Dominic LeBlanc, Ministre des Pêches, des Océans et de la Garde côtière canadienne. Pour votre commodité, la réponse est produite ci-dessous.

Ministerial Correspondence Control Unit  
Fisheries and Oceans Canada / Government of Canada  
200 Kent Street / Ottawa ON K1A 0E6  
[min@dfo-mpo.gc.ca](mailto:min@dfo-mpo.gc.ca) / Tel: 613-992-3474 / Fax: 613-990-7292

Unité de contrôle de la correspondance ministérielle  
Pêches et Océans Canada / Gouvernement du Canada  
200, rue Kent / Ottawa ON K1A 0E6  
[min@dfo-mpo.gc.ca](mailto:min@dfo-mpo.gc.ca) / Tél : 613-992-3474 / Téléc : 613-990-7292

[REDACTED]

Thank you for your correspondence of August 16, 2017, regarding your continued interest in Fisheries and Oceans Canada's (DFO) owner-operator policy as it pertains to harvesting in Lobster Fishing Area 34.

Let me assure you that the Department remains committed to upholding the principles of the Policy for Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries (PIIFCAF) and owner-operator and fleet separation policies. Representatives of the inshore fleet in Atlantic Canada and Quebec have identified the need for these policies and have made it very clear that strong action should be undertaken to support the independence of the inshore sector.

To that end, DFO is continuing its efforts to ensure compliance with the PIIFCAF policy. It requires that all inshore, vessel-based harvesters in Atlantic Canada and Quebec meet the eligibility criteria for independent core status, which means licences must not be subject to a controlling agreement. Departmental officials are working to identify licence holders suspected of not meeting independent core status requirements. Should DFO determine that a licence holder is not eligible for independent core status, the licence holder will no longer be eligible to hold the inshore licence issued to him or her. These measures aim to address compliance in areas where some harvesters may be circumventing these policies.

The Department is also identifying areas where the owner-operator policy can be strengthened, such as in the approval of substitute operators. As explained in my previous correspondence of October 31, 2016, inshore licences are issued in the name of an individual who is required to personally fish the licence. However, there are provisions in the

Commercial Fisheries Licensing Policy for Eastern Canada 1996 that allow the holder of a licence, if he or she is affected by an illness that prevents him or her from operating the fishing vessel, to designate a substitute operator. This designation may not exceed five years. Requests for exceptions to this policy are considered on a case-by-case basis by the Maritimes Region Licensing Appeal Committee. For more information, please contact Regional Licensing by telephone at 902-426-9966 or by email at < [regionallicensing.xmar@dfo-mpo.gc.ca](mailto:regionallicensing.xmar@dfo-mpo.gc.ca) >.

Thank you again for writing, and I trust my response has addressed your concerns.

Yours sincerely,

*Original signed by*

Dominic LeBlanc, P.C., Q.C., M.P.  
Minister of Fisheries, Oceans and the Canadian Coast Guard



Minister of  
Fisheries and Oceans



Ministre des  
Pêches et des Océans

Ottawa, Canada K1A 0E6

SEP 18 2017



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The Department is also identifying areas where the owner-operator policy can be strengthened, such as in the approval of substitute operators. As explained in my previous correspondence of October 31, 2016, inshore licences are issued in the name of an individual who is required to personally fish the licence. However, there are provisions in the *Commercial Fisheries Licensing Policy for Eastern Canada 1996* that allow the holder of a licence, if he or she is affected by an illness that prevents him or her from operating the fishing vessel, to designate a substitute operator. This designation may not exceed five years. Requests for exceptions to this policy are considered on a case-by-case basis by the Maritimes Region Licensing Appeal Committee. For more information, please contact Regional Licensing by telephone at 902-426-9966 or by email at <[regionallicensing.xmar@dfo-mpo.gc.ca](mailto:regionallicensing.xmar@dfo-mpo.gc.ca)>.

Thank you again for writing, and I trust my response has addressed your concerns.

Yours sincerely,

Dominic LeBlanc, P.C., Q.C., M.P.  
Minister of Fisheries, Oceans and the Canadian Coast Guard

Canada

s.19(1)  
s.21(1)(a)  
s.21(1)(b)

MEMORANDUM FOR THE REGIONAL DIRECTOR

**EXTENSION OF SUBSTITUTE OPERATOR PROVISIONS**

(Decision Sought)

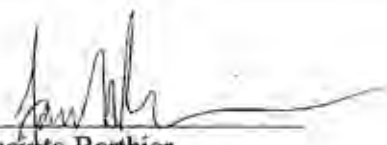


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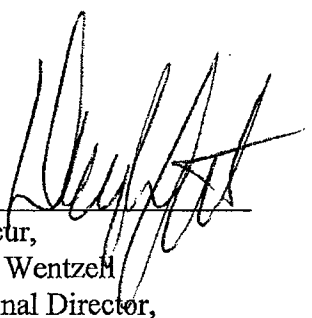
s.19(1)  
s.21(1)(a)  
s.21(1)(b)

-2-




  
Jacinta Berthier  
Director  
Resource & Aboriginal Fisheries

.../3

  
\_\_\_\_\_  
I concur,  
Doug Wentzell  
Regional Director,  
Fisheries Management  
\_\_\_\_\_  
I do not concur,  
Doug Wentzell  
Regional Director,  
Fisheries Management

**Regional Director's Comments**

Attachments (2)

Tab 1 – Under Review letter 

Tab 2 – Response to request for substitute operator for 2016-2017 season

J. McCuaig / J. Berthier / D. Wentzell/bh

**Pages 152 to / à 154  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**


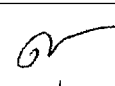
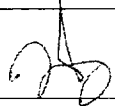
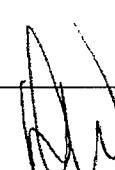
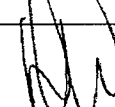
**of the Access to Information Act  
de la Loi sur l'accès à l'information**



## TRANSMITTAL SLIP

Initial to indicate approval  
Memo to RD



	Name	Date	Tel. No
Originator:	Julia McCuaig 	Nov 17	902-471-6198
Supervisor	A/Julia McCuaig 	Nov 21/17	902-471-6198
Director:	Jacinta Berthier 	2017-11-21	902-426-7681
Policy & Economics:			
Area Director			
Regional Director	Doug Wentzell 	2017-11-22	902-426-9962
Regional Director General			

Brenda Haley - 902-401-3373

Formatted  
Memo Read  
Spell Check done

**Pages 156 to / à 159  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Page 160**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Pages 161 to / à 169  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 170 to / à 176  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 177 to / à 178  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Page 179**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 180 to / à 183  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 184 to / à 186  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 187 to / à 198  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 199 to / à 273**

**are duplicates**

**sont des duplicatas**



**Pages 274 to / à 279  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 280 to / à 292  
are duplicates of  
sont des duplicatas des  
pages 655 to / à 667**

**Page 293**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(b), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 294 to / à 315  
are duplicates of  
sont des duplicatas des  
pages 668 to / à 669**

**Pages 316 to / à 327**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(b), 21(1)(a), 19(1)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Page 328**  
**is a duplicate of**  
**est un duplicata de la**  
**page 702**

**Pages 329 to / à 336  
are duplicates of  
sont des duplicatas des  
pages 702 to / à 709**

**Page 337**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



s.19(1)

s.21(1)(a)

s.21(1)(b)

MEMORANDUM FOR THE REGIONAL DIRECTOR

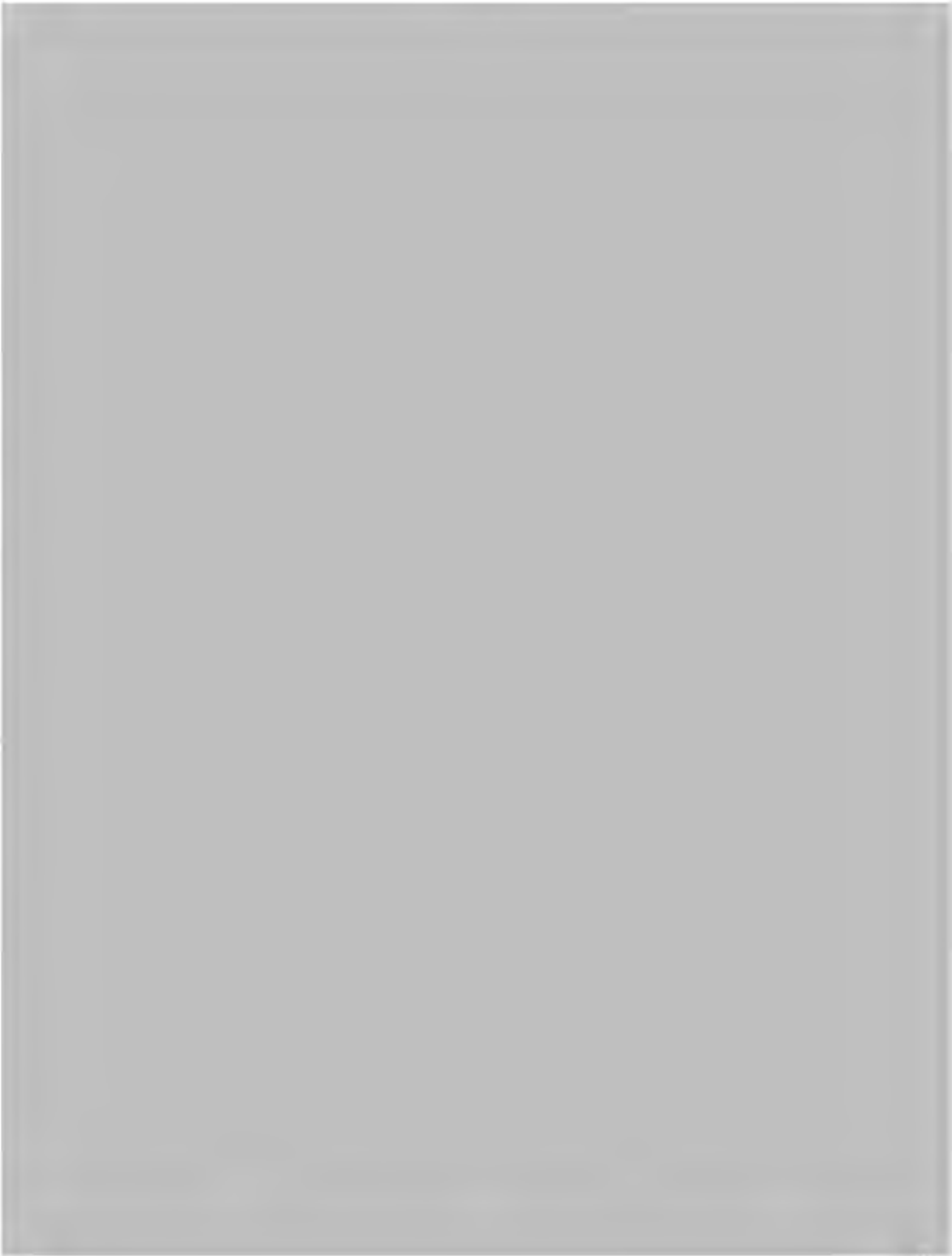
**EXTENSION OF MEDICAL  
SUBSTITUTE OPERATOR PROVISIONS**

(Decision Sought)



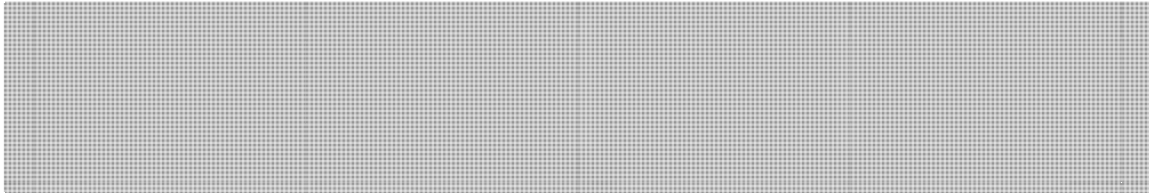
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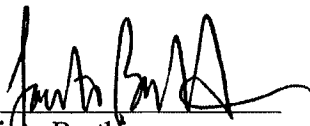
s.19(1)  
s.21(1)(a)  
s.21(1)(b)

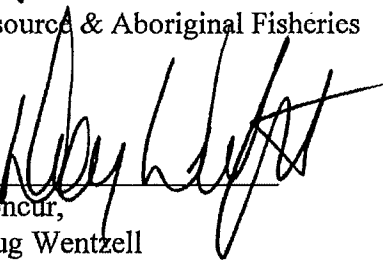


s.19(1)  
s.21(1)(a)  
s.21(1)(b)

3



  
\_\_\_\_\_  
Jacinta Berthier  
Director  
Resource & Aboriginal Fisheries

  
\_\_\_\_\_  
I concur,  
Doug Wentzell  
Regional Director,  
Fisheries Management

\_\_\_\_\_  
I do not concur,  
Doug Wentzell  
Regional Director,  
Fisheries Management

**Regional Director's Comments**

**Attachments (2)**

Tab 1 – RLAC case summary

Tab 2 –

J. McCuaig / V. Docherty / J. Berthier/D.Wentzell/bh

**Pages 341 to / à 342**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

TRANSMITTAL SLIP – FICHE D'ACHEMINEMENT

File Name: REGIONAL APPEALS

Initial to indicate approval:

Initialer en signed'approbation:

	Name – Nom	Date	Tel. No. N° de tél.	Initials
Originator: Responsible:	Julia McCuaig	Feb 27	902-471-6198	cm
Manager: Directeur:	Nancy MacNeil	Feb 27	902-499-9559	Nancy
Regional Director: Directeur Regional:	Doug Wentzell	Mar 1		DW
Regional Director General: Directrice général régional:	Morley Knight			

**Pages 344 to / à 348  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 349 to / à 360**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(b), 23, 19(1), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Pages 361 to / à 366  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Page 367**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 368 to / à 378  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 379 to / à 402  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 403 to / à 420  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 421 to / à 435**  
**are withheld pursuant to section**  
**sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Pages 436 to / à 443  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Page 444**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 445 to / à 447  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Page 448**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 449 to / à 450  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 451 to / à 573**  
**are withheld pursuant to section**  
**sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Pages 574 to / à 593**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Pages 594 to / à 613  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 614 to / à 623**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Pages 624 to / à 631  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 632 to / à 633  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Page 634**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 635 to / à 638  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 639 to / à 641  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 642 to / à 648  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 649 to / à 650  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 651 to / à 652  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 653 to / à 654  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 23, 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 655 to / à 668  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Pages 669 to / à 670  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 671 to / à 689  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 690 to / à 700  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 701 to / à 722**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(b), 23, 19(1), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Pages 723 to / à 724  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Page 725**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(b), 23, 21(1)(a), 19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 726 to / à 728  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 729 to / à 752  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Pages 753 to / à 783  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 784 to / à 787  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 788 to / à 801  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 802 to / à 803  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Page 804**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Page 805**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(b), 23, 21(1)(a), 19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 806 to / à 809  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 810 to / à 811  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Pages 812 to / à 813  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 814 to / à 819  
are withheld pursuant to section  
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**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 820 to / à 821  
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**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 822 to / à 844**  
**are withheld pursuant to section**  
**sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Pages 845 to / à 922  
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**21(1)(b), 23, 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

## Ryan, Sandra-Lee

---

**From:** Barker, Tyler  
**Sent:** Friday, April 26, 2019 6:29 PM  
**To:** Jarjour, Jasmine; Robinson, Connor; Proctor, Jody  
**Subject:** FW: Sub Op - MIN Briefing  
**Attachments:** MSO Statistics from MAR Region.docx; ATT00001.htm; Sub Op Policy - Mino briefing April 2019 v.4.ppt; ATT00002.htm

FYI

**From:** Lapointe, Sylvie <Sylvie.Lapointe@dfo-mpo.gc.ca>  
**Sent:** April 26, 2019 5:45 PM  
**To:** Valkenier, Mary-Ellen <Mary-Ellen.Valkenier@dfo-mpo.gc.ca>; Vincent, Patrick <Patrick.Vincent@dfo-mpo.gc.ca>; Perry, Jacqueline <Jacqueline.Perry@dfo-mpo.gc.ca>; Doucet, Serge <Serge.Doucet@dfo-mpo.gc.ca>  
**Cc:** Waddell, Mark <Mark.Waddell@dfo-mpo.gc.ca>; Barker, Tyler <Tyler.Barker@dfo-mpo.gc.ca>  
**Subject:** Fwd: Sub Op - MIN Briefing

Hi - please see below. We expect Minister to have lots of questions on Monday and will want to do a deep dive. Your assistance is much appreciated.

Sylvie

Begin forwarded message:

**From:** "Waddell, Mark" <Mark.Waddell@dfo-mpo.gc.ca>  
**Date:** April 26, 2019 at 5:07:49 PM EDT  
**To:** "Lambert, Robert" <Robert.Lambert@dfo-mpo.gc.ca>, "Daley, Annette" <Annette.Daley@dfo-mpo.gc.ca>, "Richard, Jackey" <Jackey.Richard@dfo-mpo.gc.ca>, "Lemire, Maryse" <Maryse.Lemire@dfo-mpo.gc.ca>  
**Cc:** "Kerluke, Tracy" <Tracy.Kerluke@dfo-mpo.gc.ca>, "Seguin, Nathalie" <Nathalie.Seguin@dfo-mpo.gc.ca>, "Wood, Heather" <Heather.Wood@dfo-mpo.gc.ca>, "Patrick, Lindsey" <Lindsey.Patrick@dfo-mpo.gc.ca>, "Lapointe, Sylvie" <Sylvie.Lapointe@dfo-mpo.gc.ca>  
**Subject:** RE: Sub Op - MIN Briefing

All, we just meet with MINO and they have asked for further details on the extent of MSO's across the regions for the MIN Briefing on Monday (1045 Ottawa time). Your RDGs have been invited to this item.

The attached Deck has now been provided to as background for the discussion on Monday, but there is a keen interest in understanding the prevalence of MSOs which is not captured and likely to be asked.

**Could you please endeavour to provide numbers on medical substitute operator designations in each of your respective regions using the format developed by Maritimes (attached) as the basis for this.** Recognize the tight turnaround this requires.

Thank you in advance,

M

**From:** Waddell, Mark

**Sent:** April 24, 2019 12:57 PM

**To:** Lambert, Robert <[Robert.Lambert@dfo-mpo.gc.ca](mailto:Robert.Lambert@dfo-mpo.gc.ca)>; Daley, Annette <[Annette.Daley@dfo-mpo.gc.ca](mailto:Annette.Daley@dfo-mpo.gc.ca)>; Richard, Jackey <[Jackey.Richard@dfo-mpo.gc.ca](mailto:Jackey.Richard@dfo-mpo.gc.ca)>; Lemire, Maryse <[Maryse.Lemire@dfo-mpo.gc.ca](mailto:Maryse.Lemire@dfo-mpo.gc.ca)>

**Cc:** Kerluke, Tracy ([Tracy.Kerluke@dfo-mpo.gc.ca](mailto:Tracy.Kerluke@dfo-mpo.gc.ca)) <[Tracy.Kerluke@dfo-mpo.gc.ca](mailto:Tracy.Kerluke@dfo-mpo.gc.ca)>; Seguin, Nathalie ([Nathalie.Seguin@dfo-mpo.gc.ca](mailto:Nathalie.Seguin@dfo-mpo.gc.ca)) <[Nathalie.Seguin@dfo-mpo.gc.ca](mailto:Nathalie.Seguin@dfo-mpo.gc.ca)>; Heather Wood ([Heather.Wood@dfo-mpo.gc.ca](mailto:Heather.Wood@dfo-mpo.gc.ca)) <[Heather.Wood@dfo-mpo.gc.ca](mailto:Heather.Wood@dfo-mpo.gc.ca)>

**Subject:** Sub Op - MIN Briefing

**Importance:** High

Hello all, we have been asked to prepare for a Ministerial briefing on substitute operator. This has not yet been formally scheduled, but we expect it may be as early as this week.

As such, would greatly appreciate your timely review of the attached **deck and speaking notes** and any feedback you may have as soon as possible.

Also note that when the briefing does get scheduled, your RDG may be asked to participate and to speak to the status of substitute operator allowances in your region, i.e. # of substitute operator authorizations issued each year, the # of MSO authorizations, the # of licence holders that are past or nearing the 5 year limit, the # of appeals received to date and/or in the queue to be heard by RLAC/AFLAB.

I will advise when the briefing gets scheduled.

Thanks,

M

--

Bonjour à tous, on nous a demandé de nous préparer pour un breffage ministériel sur l'opérateur remplaçant. Cela n'a pas encore été formellement programmé, mais nous nous attendons à ce qu'il le soit dès cette semaine.

C'est pourquoi nous vous serions très reconnaissants de bien vouloir examiner rapidement le document ci-joint et les notes d'allocution et de nous faire part de vos commentaires le plus tôt possible.

Notez également que lorsque le breffage est prévue, votre DGR peut être invité à participer et à parler de l'état des exploitant remplaçants dans votre région, c'est-à-dire le nombre d'autorisations accordées chaque année, le nombre de permis d'exploitation pour raison médicale, le nombre de titulaires qui sont au-delà ou près du délai de cinq ans, le nombre de recours reçus à date ou en attente pour être entendu par CRADP / OAPPA.

Je vous tiendrai au courant quand le breffage aura lieu.

Merci,

M

MSO Statistics from MAR Region  
April 26, 2019

As for the statistics, what we have is as follows (via Anne Jenkins and Glenn MacKay). We chose to go back to 2015 for expedience.

- # of MSO authorizations issued each year (since 2015):
  - These figures reflect **only** medical sub op authorizations.
  - These numbers show the total number issued per year, not the number of licences or licence holders who used an operator; i.e., each licence/licence holder may have more than one substitution in a given year.

2015	2016	2017	2018	2019*
631	569	546	494	246

\*To date.

- # of 'other' substitute operator authorizations issued each year (since 2015):
  - These figures reflect **only** 'other' sub op authorizations (e.g., substitutions for association representative, compassionate, education, estates, vacation, and other reasons.).
  - These numbers show the total number issued per year, not the number of licences or licence holders who used an operator; i.e., each licence/licence holder may have more than one substitution in a given year.

2015	2016	2017	2018	2019*
532	633	715	599	297

\*To date.

- # of appeals received to date and/or in the queue to be heard by RLAC/AFLAB:
  - Since 2015, we have granted 49 medical sub op policy exceptions through the appeals system.
  - Currently, 3 medical sub op appeals in the RLAC queue.
  - Potentially, 2 medical sub op appeals in the AFLAB queue (if prior decisions are appealed).
- # of licence holders that are past or nearing the 5 year limit:
  - In these short timelines, the data we could provide on this would be inaccurate.
  - To determine this information with any degree of confidence would require many hours of going through individual reports for each licence holder.



# Substitute-Operator Policy

## Ministerial Briefing

April 2019



Canada

# Issue

- At the request of stakeholders, DFO is taking measures to address concerns that Substitute Operator (Sub-Op) authorizations are undermining the Owner Operator policy.
- DFO is reviewing the Sub-Op guidelines and considering changes. In the meantime, regions are more strictly applying existing policies, including a 5 year limit to medical substitute operator (MSO) designations.
- Licence holders who are over or nearing the 5 year MSO limit are being reminded that this cap exists and is being applied.
- The result has been an increased number of licensing appeals; increased scrutiny over what warrants an exception to the 5 year rule; and two JRs that question whether denial of a MSO request violates the Charter of Rights and Freedoms.

# Regulatory and Policy Context

- The *Atlantic Fishery Regulations 1985*, s.14(2) authorizes a person to fish if that person is the **licence holder**. The *Fishery (General) Regulations* s. 23(2) establishes that licence holders can be replaced by a Substitute Operator if they cannot fish due to **circumstances beyond their control**.
- The 1996 *Commercial Licensing Policy for Eastern Canada* introduces **medical substitute operator (MSO)** if a licence holder is affected by an illness which prevents him/her from operating a vessel. It also introduces the 5 year limit for the MSO designation.
- If the MSO authorization is denied, the licence holder can continue to hold the licence, but needs to fish it personally; sub-op authorization decisions are subject to appeal.
- Other types of substitute operator allowances are described in regional policies, i.e. for vacation, jury duty, compassionate reasons, other etc.

# Background on MSO Application

- The policy intent for an MSO authorization was to address “**illness**” -- short-term medical issues that prevent the licence holder from performing the activities under the licence.
- The 5 year limit was selected based on other industry limits and what was considered a reasonable timeframe for harvesters to make other arrangements.
- Over time, strict adherence to the 5 year limit for MSO designations eroded and became inconsistent across regions
  - likely due to an aging pool of licence holders, leniency in response to harder economic conditions in the fishery, and providing exceptions in response to individual circumstances.
  - direction was provided in 2008 to loosen the restrictions for SO due to the global economic downturn
- In recent years, there has been an effort to more strictly enforce the 5 year limit for MSO.

# The importance of owner-operator

- The owner-operator policy requires licence holders to personally fish the licence; this is a critical element of protecting independence in the inshore fishery.
- In legitimate cases, a sub-op allows the crew to continue to work, the fishing enterprise to remain viable in the short term, and the benefits to continue to flow to the community.
- However, there is evidence in some cases that 3<sup>rd</sup> parties are using MSO designations (especially where extensions have been granted in the past) to control licences.
- Without the 5 year limit, MSO allowances may allow harvesters to hold on to their licences for long periods of time, beyond their ability to be owner-operators.
- This could have affects on the ability of new entrants to access licences and could drive up the value of licences by restricting availability (licence holders as speculators).

# Stakeholder views

- In Summer of 2018, DFO consulted on strengthening substitute operator guidelines as a complement to the inshore regulatory proposal.
- There was widespread support for the inshore policies but resistance to the strict application of the sub-op policies when they impact individuals.
- Several comments reflected concerns about the 5 year MSO limit not addressing chronic illness or conditions.
- However, there were also concerns around the abuse of substitute operator allowances and questions around the legitimacy of MSO requests, recommending the Department verify medical documents.
- There were also comments that as the average age of licence holders increases, the five year MSO limit will almost always be reached or exceeded.

# Considerations

- Implementation of Sub-op policy is an important element of DFO's plan to strengthen the inshore policies.
- The Department will continue to apply the 5 year limit on MSO and continue to consider exceptions to this policy based on individual extenuating circumstances.
- A strict application of the rules may result in a continued increase in appeals and legal action.
- DFO plans to continue with a broad review of Substitute operator policies following completion of the inshore regulations.
  - The objective would be to strengthen the policies and make them more consistent across regions.
  - Regulatory and/or policy changes may be pursued in the longer term, if deemed necessary.

**Pages 933 to / à 970  
are withheld pursuant to sections  
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**21(1)(b), 23, 19(1), 21(1)(a)**

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de la Loi sur l'accès à l'information**



**Pages 971 to / à 973**  
**are withheld pursuant to sections**  
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**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

## Duval, Rachelle

---

**From:** Cormier, Rémi-Marc  
**Sent:** Friday, May 17, 2019 1:55 PM  
**To:** Elliott, Isabelle  
**Cc:** Légère, Martine  
**Subject:** RE: RLAC memos for denied appeals related to sub operator  
**Attachments:** 2019-702-00010 - Decision memo to the Regional Director General - [REDACTED]  
Substitute operator more than five years; 2019-702-00011 - Decision memo for the  
Regional Director General - [REDACTED] Substitute operator more than five  
years

Hi Isabelle,

Attached are the signed memo' for the sub op appeals that have been denied so far this year.

Let me know if you need anything else.

Have a great long weekend!

Rémi-Marc Cormier

Licencing Officer, Licensing Services / Agent, Services de délivrance des permis  
Fisheries and Aquaculture Management Branch // Direction de la Gestion des Pêches et de l'Aquaculture  
Fisheries and Oceans Canada // Pêches et Océans Canada  
Government of Canada // Gouvernement du Canada  
[Remi-Marc.Cormier@dfo-mpo.gc.ca](mailto:Remi-Marc.Cormier@dfo-mpo.gc.ca) / Tel : (506) 851-7812

---

**From:** Légère, Martine <Martine.Legere@dfo-mpo.gc.ca>  
**Sent:** May-17-19 2:47 PM  
**To:** Cormier, Rémi-Marc <Remi-Marc.Cormier@dfo-mpo.gc.ca>  
**Cc:** Elliott, Isabelle <Isabelle.Elliott@dfo-mpo.gc.ca>  
**Subject:** Fwd: RLAC memos for denied appeals related to sub operator

Hi Remi-Marc

Could you please action Isabelle's request and maybe send a copy of the emails to her when we receive decisions.

Thanks

Martine

Sent from my iPhone

Begin forwarded message:

**From:** "Elliott, Isabelle" <[Isabelle.Elliott@dfo-mpo.gc.ca](mailto:Isabelle.Elliott@dfo-mpo.gc.ca)>  
**Date:** May 17, 2019 at 2:07:27 PM ADT  
**To:** Légère, Martine <[Martine.Legere@dfo-mpo.gc.ca](mailto:Martine.Legere@dfo-mpo.gc.ca)>  
**Subject:** RLAC memos for denied appeals related to sub operator

Hi Martine,

Can you send me all the signed memos for the RLACs for sub operator that have been denied to date please? This can be done early next week, not priority for today.

Isabelle Elliott

Regional Senior Advisor / Resource Management / Gulf Region  
Fisheries and Oceans Canada / Government of Canada  
343 Université, PO Box 5030, Moncton, NB E1C 9B6  
[isabelle.elliott@dfo-mpo.gc.ca](mailto:isabelle.elliott@dfo-mpo.gc.ca) / Tel: 506-851-2698 Cell: 506-378-0845  
@DFO Gulf

Agente régionale principal / Gestion de la ressource / Région du Golfe  
Pêches et Océans Canada / Gouvernement du Canada  
343 Université, CP 5030, Moncton, NB E1C 9B6  
[isabelle.elliott@dfo-mpo.gc.ca](mailto:isabelle.elliott@dfo-mpo.gc.ca) / Tél: 506-851-2698 Cell: 506-378-0845  
@MPO Golfe  
><(((<sup>9</sup>>

## Duval, Rachelle

---

**From:** Leblanc, Veronic  
**Sent:** Monday, April 1, 2019 2:29 PM  
**To:** Légère, Martine; Cormier, Rémi-Marc; Godin, Anik; Elliott, Isabelle; LeCouffe, Marc; Legere, Luc; Brideau, Fernande  
**Cc:** Leblanc, Veronic; Bourque, Lynn; Leger, Liette  
**Subject:** 2019-702-00010 - Decision memo to the Regional Director General - [REDACTED]  
Substitute operator more than five years  
**Attachments:** Memo signed by the RDG - Regional Licensing Appeal Committee [REDACTED]  
Sustitute operator more than five years.pdf; Letter signed by the RDG - [REDACTED]  
[REDACTED]

Hi,

FYI - GCCMS # 2019-702-00010 – Decision memo for the Regional Director General – Regional Licensing Appeal Committee [REDACTED] Substitute operator more than five years - was signed by the A/RDG, Frank Quinn [REDACTED] Please refer to the attached memo/tabs and letter.

Admin Assistants: for your files

Thank you,  
Veronic

*Véronic LeBlanc*

Administrative Officer  
Fisheries and Oceans Canada/Government of Canada  
[Veronic.leblanc@dfo-mpo.gc.ca](mailto:Veronic.leblanc@dfo-mpo.gc.ca) / Tel: 506 851-3200

Agente administrative  
Pêches et Océans Canada/Gouvernement du Canada  
[Veronic.leblanc@dfo-mpo.gc.ca](mailto:Veronic.leblanc@dfo-mpo.gc.ca) / Tel. : 506 851-3200

PROTECTED A  
GCCMS # : 2019-702-00010  
EKME # : 4029249To: Serge Doucet, RDG  
Pour:

Date: MAR 27 2019

Object: REGIONAL LICENSING APPEAL COMMITTEE  
Objet: SUBSTITUTE OPERATOR MORE THAN FIVE YEARS

From / De: Anik Godin, A/Director, IBM and Licensing

Via: Jackey Richard, Regional Director, Fisheries and Aquaculture Management

Additional approvals:

Autre(s) approbation(s):

A. Godin

I. Elliott

M. LeCoutre

March 18/19

2019-03-19

Material for the Director  
Documents pour le DirecteurYour Signature  
Votre signature

Information

Remarks: This briefing note was developed in consultation with the following  
Remarques: regions/sectors:

Distribution:

Drafting Officers/ Rédacteur:

Martine Légère (506 851-7810) *ml*  
Rémi-Marc Cormier (506-851-7812)



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

s.19(1)  
s.21(1)(a)  
s.21(1)(b)

Fisheries and Aquaculture  
Management

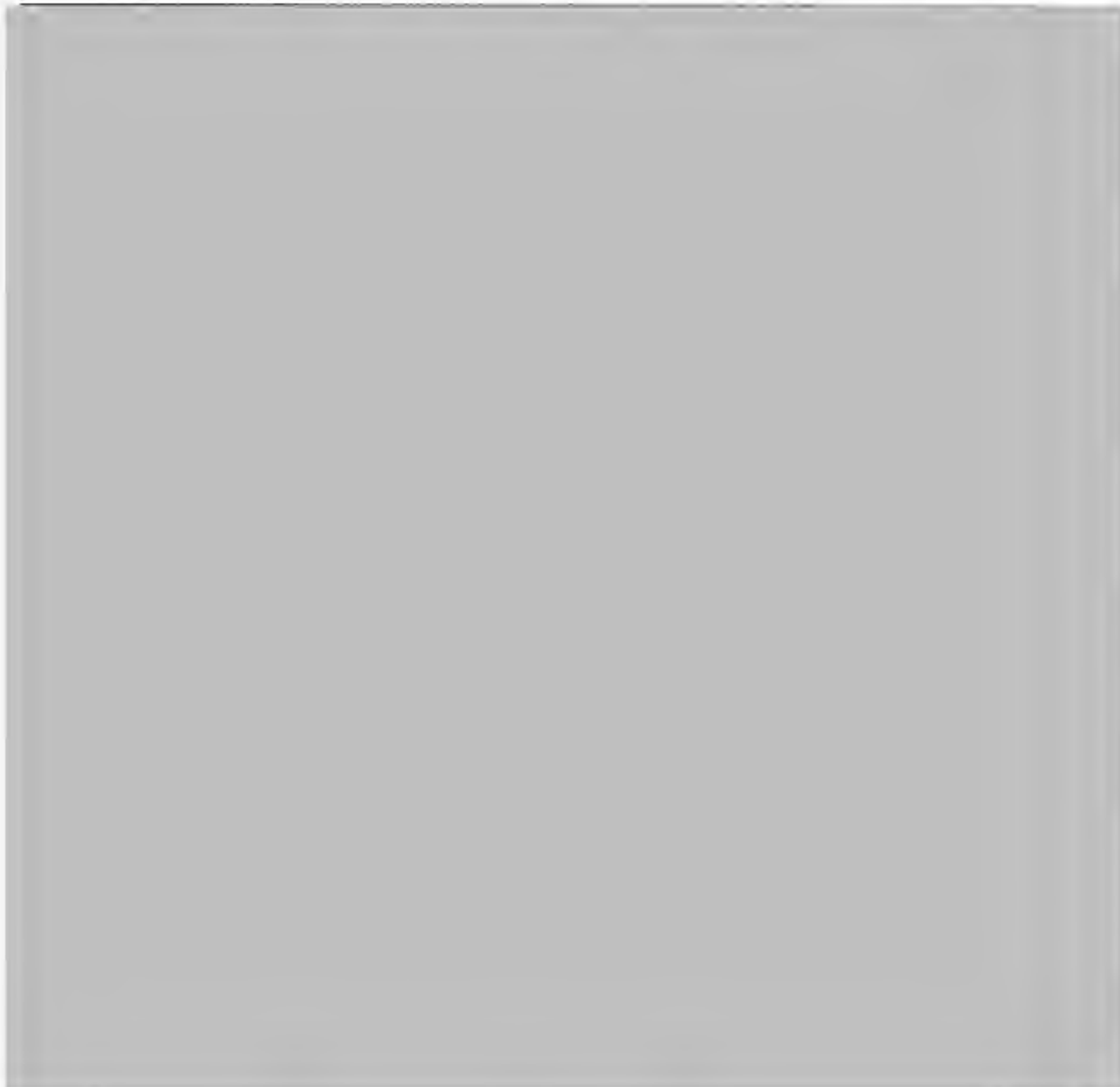
Gestion des pêches et  
de l'aquaculture

PROTECTED A

2019-702-00010  
EKME #: 4029249

MEMORANDUM FOR THE REGIONAL DIRECTOR GENERAL

**REGIONAL LICENSING APPEAL COMMITTEE  
SUBSTITUTE OPERATOR MORE THAN FIVE YEARS  
(FOR DECISION)**



s.19(1)

s.21(1)(a)

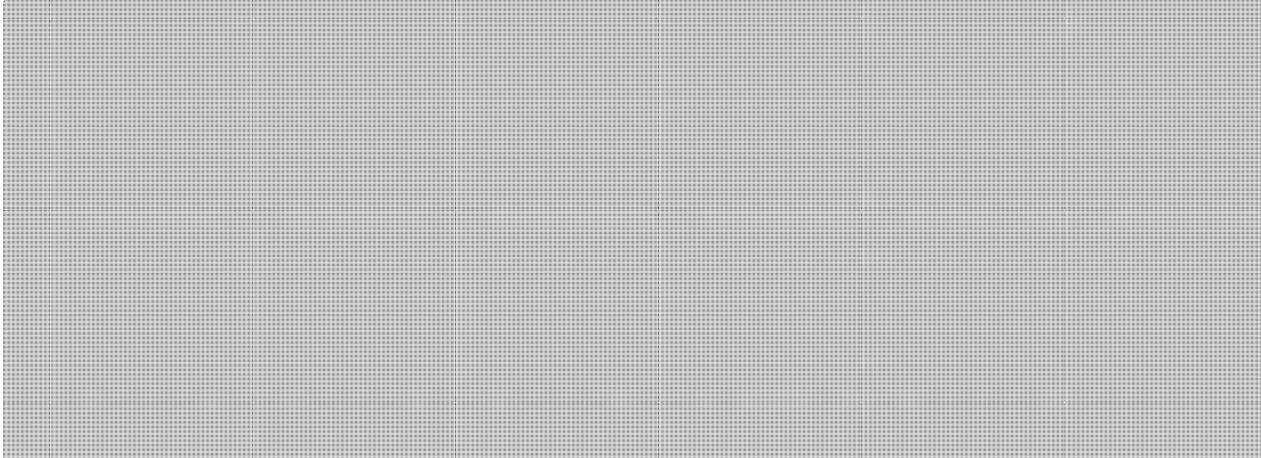
s.21(1)(b)

-2-

PROTECTED A



.../3



Jacqueline Richard  
Regional Director, Fisheries and Aquaculture Management

☒ I concur with the recommendations

☐ I do not concur with the recommendations

  
Serge Drouet  
Regional Director General

MAR 29 2019

Regional Director General's comments:

Attachments (3):

- Tab 1 – Report to the RDG of RLAC recommendations
- Tab 2 – Appeal hearing documents
- Tab 3 – Letters of decision



**Pages 981 to / à 983  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 984 to / à 989  
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**21(1)(b), 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 990 to / à 1003  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



Fisheries and Oceans Canada  
Correspondence Routing Slip

Fiche d'acheminement de correspondance  
Pêches et Océans Canada

PROTECTED A  
GCCMS # : 2019-702-00011  
EKME # : 4029446

To: Serge Doucet, RDG  
Pour:

Date: MAR 27 2019

Object: REGIONAL LICENSING APPEAL COMMITTEE  
Objet: SUBSTITUTE OPERATOR MORE THAN FIVE YEARS.

From / De: Anik Godin, A/Director IBM and Licensing

Via: Jackey Richard, Regional Director Fisheries and Aquaculture Management

Additional approvals:

Autre(s) approbation(s):

A. Godin

I. Elliott

M. LeCouffe

March 19/19

2019-3-21



Material for the Director  
Documents pour le Directeur



Your Signature  
Votre signature




Information

Remarks: This briefing note was developed in consultation with the following  
Remarques: regions/sectors:

Distribution:

Drafting Officers/ Rédacteur:

Martine Légère (506 851-7810)

s.19(1)   
s.21(1)(a)  
s.21(1)(b)

Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Fisheries and Aquaculture  
Management

Gestion des pêches et  
de l'aquaculture

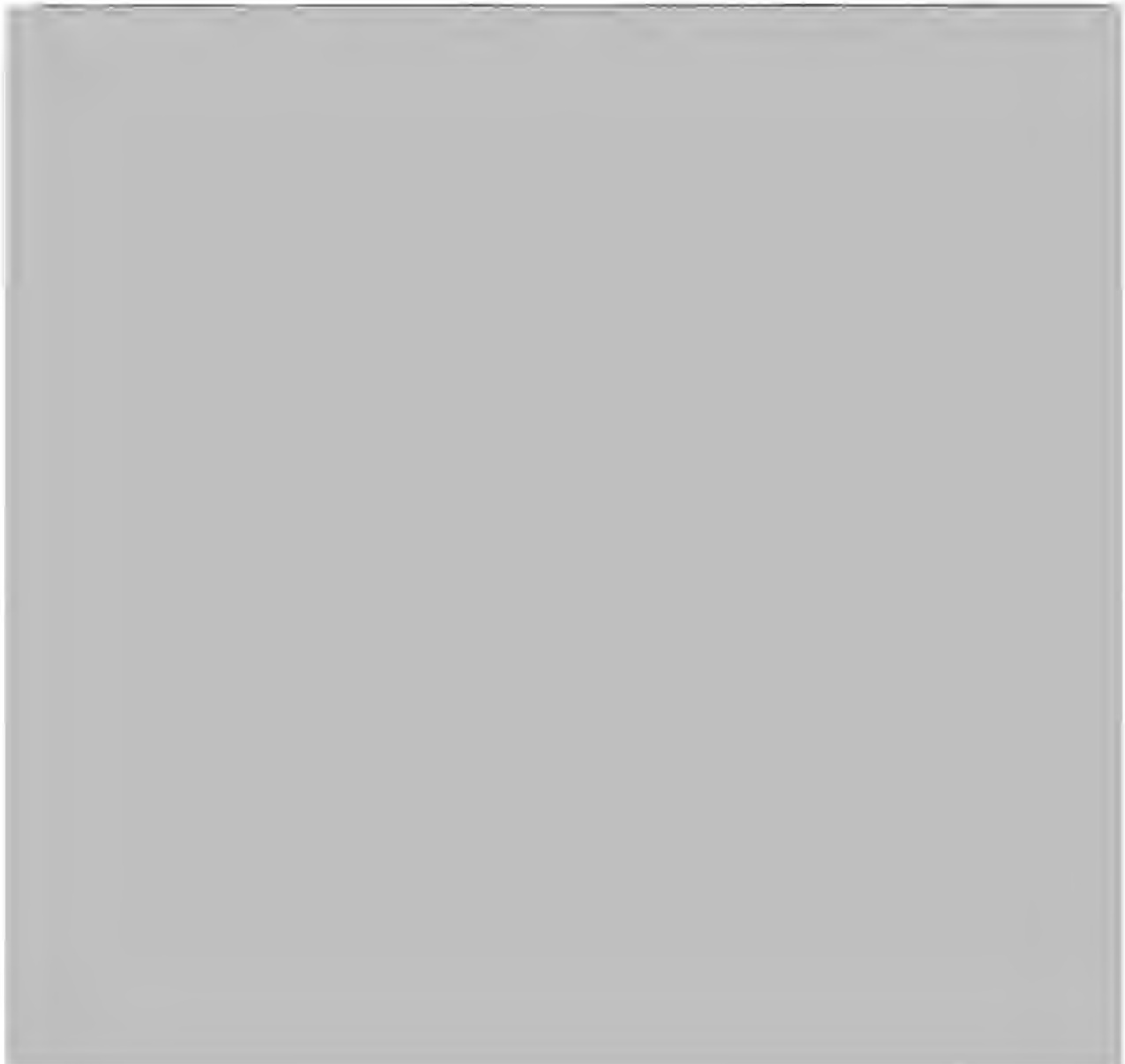
PROTECTED A

2019-702-00011  
EKME #: 4029446

MEMORANDUM FOR THE REGIONAL DIRECTOR GENERAL

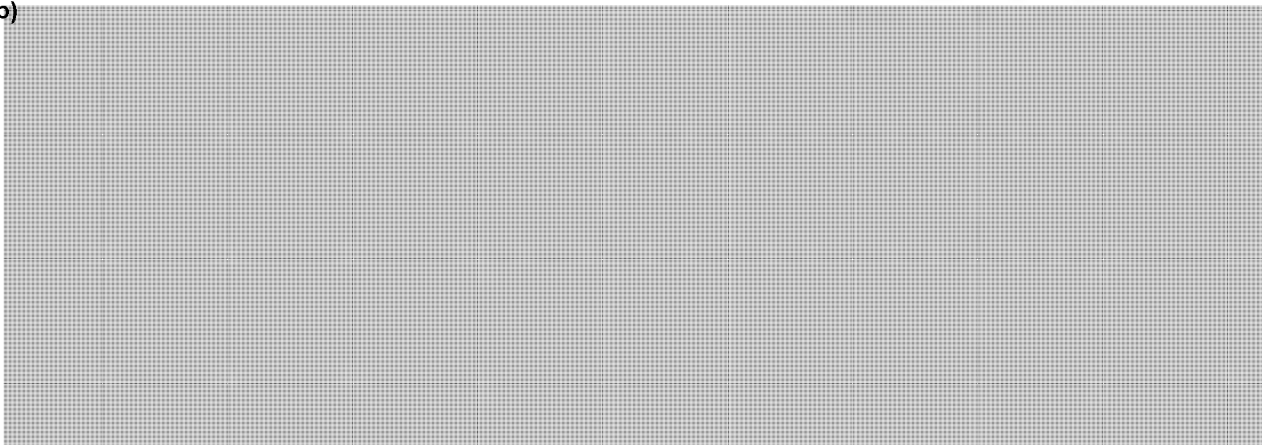
**REGIONAL LICENSING APPEAL COMMITTEE  
OPERATOR FOR MORE THAN FIVE YEARS  
(FOR DECISION)**

**SUBSTITUTE**



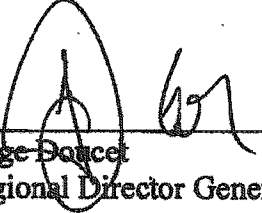
s.19(1)  
s.21(1)(a)  
s.21(1)(b)





  
Jacqueline Richard  
Regional Director, Fisheries and Aquaculture Management

- ☒ I concur with the recommendations  
☐ I do not concur with the recommendations

  
Serge Dancet  
Regional Director General

Regional Director General's comments:

Attachments (3):

- Tab 1 – Report to the RDG of RLAC recommendations
- Tab 2 – Appeal hearing documents
- Tab 3 – Letters of decision

**Pages 1008 to / à 1017  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 19(1), 21(1)(a)**

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de la Loi sur l'accès à l'information**



**Pages 1018 to / à 1030  
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sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 1031 to / à 1046  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



PROTECTED A  
GCCMS # 2017-702-00038  
EKME # 3721801

FILE / FICHER #GGC-6270-0/E001

To: Morley--Philippe Morel, Sr. ADM Date: OCT 31 2017  
Pour:

Object: **STREAMLINING OF GULF REGION LICENSING POLICIES – PHASE II**  
Objet:

From / De: Frank Quinn, RD, Fisheries and Aquaculture Management

Via: Serge Doucet, RDG, Gulf Region

DEC 07 2017

Additional approvals:

Autre(s) approbation(s):

I. Frenette

M. LeCouffe

Mark Waddell, DG-F&LP (T. Kerluke, Dir – NFP)

☐ Material for the Minister  
Documents pour le Ministre

☒ Your Signature  
Votre signature

☐ Information

Screen: The Department has assessed this issue in full.  
Filtre: ☒ It contains no reference to matters covered by the screen relating to J.D. Irving Limited.  
☐ It contains matters referenced in the screen relating to J.D. Irving Limited, but in our view does not engage the screen.  
☐ In our view, the screen relating to J.D. Irving Limited should be engaged.

Remarks: This briefing note was developed in consultation with the following  
Remarques: regions/sectors: National Licensing Committee (reps include Licensing and Resource Management from all Regions)

Distribution: A. Dwyer, S. Comeau, C. Mills, I. LeBlanc

Drafting Officer/  
Rédacteur:

I. Elliott 506-378-0845 / M. LeCouffe / la



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Regional Director General  
Gulf Region

Directeur général régional  
Région du Golfe

**PROTECTED A**

2017-702-00038

EKME# 3721801

**MEMORANDUM FOR THE SENIOR ASSISTANT DEPUTY MINISTER**

**STREAMLINING OF GULF REGION LICENSING POLICIES – PHASE II  
(FOR DECISION)**

**SUMMARY OF ADVICE TO SENIOR ASSISTANT DEPUTY MINISTER**

The purpose of this memo is to seek your decision on the recommendations to amend regional policies, which were reviewed during the second phase of the Gulf Region policy streamlining exercise.

Amendments are needed to streamline policies in order to bring them in line with the needs of today's commercial fisheries and economic climate. There will be no impact on communal commercial fishing licences as a result of this exercise.

Engagement and consultation sessions were held throughout the Gulf Region over the past several months with industry stakeholders, including provinces and First Nations. A "What We Heard" document was prepared capturing the essence of discussions with industry and was circulated to industry representatives for their input and comments on December 22, 2016.

It is recommended that you approve the amendments to the *Commercial Fisheries Licensing Policy for the Gulf Region* as outlined in Tab 1. Approved amendments will be communicated to industry stakeholders via e-mail, as per the usual process, once the *Commercial Fisheries Licensing Policy for the Gulf Region* has been updated and published on the Fisheries and Oceans Canada (DFO) website.

**BACKGROUND**

There are several policies which may need to be streamlined in order to bring them in line with the needs of today's commercial fisheries and economic climate.

Several industry groups have been discussing amongst themselves, and with the Department, about changes they see necessary as a way forward in the commercial fisheries for the sake of viability, succession planning and making this vocation attractive to new entrants from coastal communities.

The consultation process included initial brainstorming discussions with key industry representatives which began in December 2015. This was followed by internal consultations and face-to-face consultations with the industry from May to August 2016. The consultation included provinces, fish harvesters associations and Aboriginal organizations.

A "What We Heard" document was prepared capturing the essence of discussions with industry on several licensing policy changes and was circulated to industry representatives for their input and comments on December 22, 2016.

Internal discussions on proposed recommendations for policy changes were held with the Gulf Licensing Policy Working Group in the Region, with the National Licensing Committee (comprised of policy advisors and licensing managers from each DFO Region), as well as with National Headquarters representatives.

### **STRATEGIC CONSIDERATIONS**

Policies on substitute operators, licence reissuance, vessel registration and new entrants are under consideration for streamlining. Streamlining could improve fisheries performance by increasing harvester revenues and simplifying management.

There was strong openness and commitment from the industry to modernize various policies so that they are in line with today's commercial fisheries. These changes will also align some of the Gulf Region's policies with the other Eastern Regions.

Most policy recommendations in Tab 1 are based on strong support by industry groups consulted. There was a divergence of opinions on certain issues, such as with Transaction Reversal, Licence Swap and Splitting of Inshore and Coastal Licences upon the Reissuance of an Enterprise (items 5, 6 and 8 in Tab 1). For the items that yielded a divergence of opinions, strong negative reactions from industry groups is not anticipated.

With item 8, Splitting of Inshore and Coastal Licences upon the Reissuance of an Enterprise, it is recommended to be separated from this process in order to allow for proper consultation with the coastal industry in each administrative area. It is important to obtain their feedback on an issue that may have a significant impact on the coastal fisheries as well.

The policy streamlining efforts will focus on improving sustainability, stability and economic prosperity. Streamlining should also provide more flexibility to harvesters, increase stewardship, and maintain client service satisfaction.

### SCIENCE ADVICE

No science advice was sought during this policy streamlining exercise.

### INTERDEPARTMENTAL CONSULTATIONS

Interdepartmental consultations were not necessary in this exercise.

### INDIGENOUS CONSULTATIONS

The policy streamlining information was shared with Aboriginal organizations. However, this exercise does not affect the issuance of communal commercial fishing licences issued to Aboriginal organizations.

### EXTERNAL CONSULTATIONS

Industry associations, provincial governments and Aboriginal organizations were included in this consultation process.

### ADVICE AND RECOMMENDATIONS TO DEPUTY MINISTER

It is recommended that you approve amendments to the *Commercial Fisheries Licensing Policy for the Gulf Region* as outlined in Tab 1. Approved amendments will be communicated to industry stakeholders via e-mail once the Commercial Fisheries Licensing Policy for the Gulf Region has been updated and published on the DFO website.



DEC 07 2017

Serge Doucet  
Regional Director General

☐

I concur with the recommendations

☐

I do not concur with the recommendations

MORLEY KNIGHT--Philippe Morel  
Senior Assistant Deputy Minister

Attachment: (1)

Tab 1 – Gulf Region Licensing Policy Streamlining Recommendations

## **Gulf Region Licensing Policy Streamlining-Phase II Recommendations**

Note: The following policy amendment recommendations refer to the *Commercial Fisheries Licensing Policy for the Gulf Region* which can be found at <http://www.glf.dfo-mpo.gc.ca/Gulf/Licenses-Delivery/Commercial-Fisheries-Licensing-Policy>

### **1. Substitute Operator Authorization**

#### **Current Policy**

The licensed fish harvester who requested the substitute operator may not participate in any commercial or communal commercial fishing activity.

#### **Suggested Options**

1. Status quo.
2. The licensed fish harvester who requested the substitute operator may not participate in any commercial or communal commercial fishing activity other than being on board the vessel during fishing activities related to commercial fishing licences issued in his/her name along with the substitute operator.
3. Other.

#### **What We Heard**

During consultations, it was unanimous among all groups that the second option should be implemented to allow licence holders to be on board their own vessels during a period where they have been authorized for a substitute operator. All understood that should the licence holder be on board the vessel at any time during this period, the person with the substitute operator permit must remain on the vessel and be responsible for the fishing activities authorized under the licence.

#### **Recommended Policy**

Annex VII 3.2 The licensed fish harvester who requested the substitute operator may not participate in any commercial or communal commercial fishing activity other than being on board the vessel during fishing activities related to commercial fishing licences issued in his/her name along with the substitute operator.

#### **Implication of Proposed Amendment**

This change will provide flexibility to those with authorized substitute operators to be on board the vessel on occasion when they are feeling up to it without having to end the substitute operator authorization. While the licence holder is on board the vessel, however, it will still be the substitute operator who will be in charge of fishing operations as per the substitute operator permit previously issued.

## **2. Substitute Operator Eligibility**

### **Current Policy**

In order to authorize a person to act as a substitute operator, the person must:

- i. Be registered as a commercial fish harvester;
- ii. Be a resident of the same DFO Administrative Area for which the licence(s) is valid;  
and
- iii. Not be authorized to fish a licence of the same species in the same fishing area for the term of the licence as the fish harvester requesting the substitution. The term of the licence is a calendar year unless otherwise indicated on the licence; and
- iv. Be at least 16 years of age.

### **Suggested Options**

1. Status quo.
2. Remove the criterion for the person to be a resident of the same DFO Administrative Area.
3. Other.

### **What We Heard**

The majority of feedback during consultations on this topic was in favour of maintaining the status quo. There were concerns expressed over the option of allowing fish harvesters from other Administrative Areas to act as substitute operators. There was one group, however, who was weary of the idea as well, but also admitted there could be some benefits to option 2 under certain circumstances. They have suggested that option 2 could be adopted if it was limited to only being used for a maximum of five days per year but not be applicable to the halibut fishery.

### **Recommended Policy**

Status quo. No changes to the current policy.

### **Implication of Proposed Amendment**

Maintaining this policy will mean that Licensing staff will continue to allow only individuals with their residence in the corresponding administrative area to be eligible as a substitute operator. Other DFO Regions in Eastern Canada do not apply this residence criterion for substitute operator. This means that a fish harvester from Eastern New Brunswick is not eligible to be a substitute operator in Gulf Nova Scotia but they would be eligible anywhere in Maritimes Region.



### **3. Substitute Operator Duration**

#### **Current Policy**

All requests for substitute operator for time limits exceeding five years will be reviewed on a case-by-case basis and are to be authorized by the Regional Director of Fisheries and Aquaculture Management.

#### **Suggested Options**

1. Status quo.
2. Substitute operator authorizations may not exceed a total of five years.
3. Substitute operator authorizations may not exceed a total of five years over a ten calendar year period. Holders of Class B lobster licences are exempt from this limit.
4. Other.

#### **What We Heard**

All\* groups consulted on this topic were in favour of option 2 which would see a reimplementaion of the five year limit on substitute operators. This option was favoured under the understanding that licence holders who have extenuating circumstances warranting an extension to the five year limit would be able to make a request to the Department for an exception to this policy. They would also have the option to appeal any decisions to not grant more than five years of substitute operator if they have extenuating circumstances to warrant an appeal.

It is important to note that any extenuating circumstances presented could not include the illness itself, but rather the circumstances surrounding why the licence holder may need another determined period of time to get back to fishing. This would eliminate anyone with prolonged illness who may never be able to fish again. Members of industry expressed that this would fall more in line with the intention of the use of substitute operators which is already an exception to the Owner-Operator policy.

The option on substitute operators for holders of Class B lobster licences was also discussed. A large majority of participants felt that the policy should be applied in the same manner for Class B lobster licence holders as it is for all other licence holders. No exceptions to the application of this policy beyond what will be afforded to all licences holders should be built into the policy for Class B lobster licence holders.

#### **Recommended Policy**

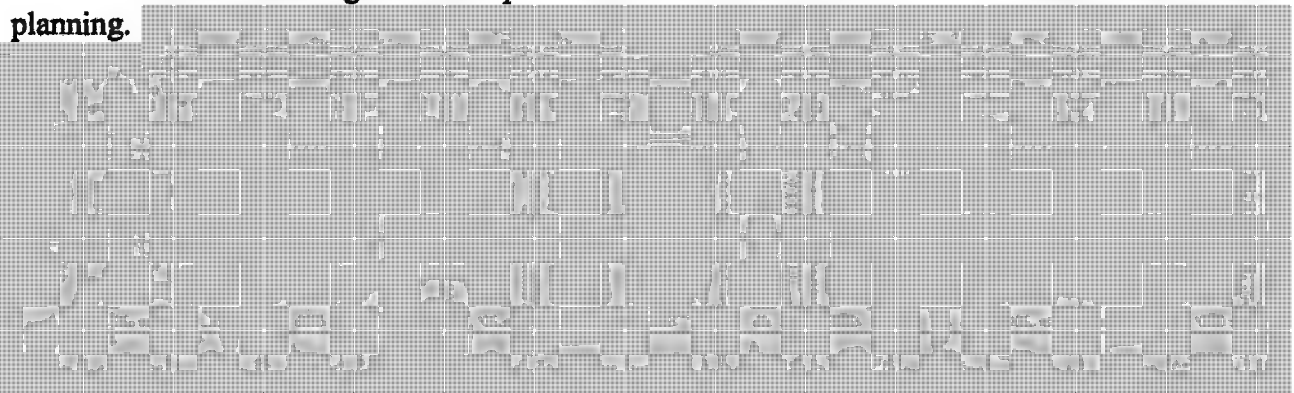
Annex VII 5.1 the provision for substitute operator approval beyond five consecutive years will be removed.

It is recommended that this change be phased in and that all licence holders be given until January 2019 to adapt to this change. A letter to this effect will be sent to affected licence holders. It is also recommended that an exemption to the five-year limit be given to class B lobster licence holders.

### **Implication of Proposed Amendment**

A change to this policy will be applauded by industry members who are in favour of strengthening the Owner-Operator policy. This would take DFO in the Gulf Region back to the policy as it was applied in previous years and would be consistent with how other DFO Regions in Eastern Canada are now also applying the duration of the substitute operator policy.

However, fleets who have been heavy users of substitute operator for greater than five years will be in favour of maintaining the status quo unless other solutions are found to facilitate succession planning.



An exemption for class B lobster licences was recommended due to their inability to request the reissuance of their licence to another person. They do not have the same financial "safety net" as other licence holders. In 2017, there are six class B lobster licence holders who are requesting a substitute operator. An exemption to class B lobster licence holders is also being given in Maritimes Region.

Licence holders who have been perpetual users of substitute operator beyond five years will be sent a letter advising them of the change to policy.

## **4. Twelve-Month Rules**

### **Current Policy**

- A. A licence may only be issued as a replacement licence once in every 12-month period.
- B. When a fish harvester relinquishes his privilege to be reissued a licence for a particular species, he/she will not be eligible to be issued a licence for that same species within the next 12 months.

### **Suggested Options**

- 1. Status quo.
- 2. Keep A, eliminate B.
- 3. Other.

## **What We Heard**

A large majority of participants were in favour of option 2. This option would maintain the status quo on obligating licence holders to maintain their licences for at least 12 months before being eligible to request the reissuance of the licences. Participants understood that the original intention of this policy was to prevent the prospecting of licences and felt it was still important in today's economic environment to maintain this policy.

Option 2 would also eliminate the policy which requires individuals to wait 12 months after relinquishing a licence of a certain species before they are eligible to be issued another licence of the same species. The majority of participants failed to see how such transactions would lead to the prospecting of licences and also felt it would create unnecessary limitations for fish harvesters wishing to engage in certain transactions which are not offensive to current policies in place.

## **Recommended Policy**

It is recommended to remove the policy statement B above in the options.

## **Implication of Proposed Amendment**

This amendment to the policy would allow licence holders who relinquish a licence of a certain species to be issued another licence of the same species without having to wait 12 months. This would be similar to the way policy is applied in Quebec and Maritimes Regions. NL Region still has this 12 month rule in place for certain fisheries.

## **5. Transaction Reversal**

### **Current Policy**

A fish harvester who has relinquished a licence to another individual may not be reissued that same licence from that same individual. (This transaction is not reversible).

### **Suggested Options**

1. Status quo.
2. Eliminate this policy.
3. A fish harvester who has relinquished a licence to another individual may not be reissued that same licence from that same individual for at least a period of XX years.

## **What We Heard**

Consultations on this topic yielded much more divisive results. A small number of participants favoured option 3 which would keep the policy in place but limit its application to a determined number of years (five years was suggested). However, the remainder of the participants who provided feedback was split between option 1 to maintain the status quo and option 2 to eliminate the policy.

Status quo would mean that transactions would continue to be non-reversible while elimination of the policy would no longer limit such transactions.

## **Recommended Policy**

Eliminate this policy.

## **Implication of Proposed Amendment**

Allowing license reissuance transactions to be reversible may lead to undeclared controlling agreement if licence holders are free to request the issuance of licences back and forth without restriction. It would equally have the potential to reduce controlling agreements; there is currently the potential for controlling agreements to be created to allow the licence to get back to the original owner through a third party. This policy amendment would bring Gulf Region in line with policies in Quebec, NL and Maritimes.

## **6. Licence Swap**

### **Current Policy**

Two licence holders may exchange (swap) licences of the same species where the conditions attached to those licences are different.

### **Suggested Options**

1. Status quo.
2. Two licence holders may exchange (swap) licences of the same species.
3. Other.

### **What We Heard**

Discussions on the options on this item resulted in split results. Half of those consulted felt that the status quo should be maintained while the other half supported option 2 to allow swaps of licences of the same species whether they had differences in the conditions or not.

### **Recommended Policy**

Two licence holders may exchange (swap) licences of the same species.

### **Implication of Proposed Amendment**

A change to this policy would allow licence holders of the same species to swap licences regardless of whether or not there are any differences in the licence. Some may wish to swap similar licences due to proximity to the homeport or other reasons. Although very few transactions would actually benefit from this change, it is not clear on why this was ever limited in the first place.

## **7. Vessel Registration – One-Month Rule**

### **Current Policy**

When a vessel is registered, it must remain registered in a licence holder's name for a minimum period of one month prior to a vessel replacement.

### **Suggested Options**

1. Status quo.
2. Eliminate this policy.
3. Change this policy to a limit of 14 days.
4. Other.

Please note: Any changes to the minimum period for vessel registration in the policy would not change the service standard for processing such requests by DFO Licensing.

### **What We Heard**

This topic yielded unanimous agreement on option 2 in all of the consultation sessions, which is to eliminate this policy all together. This policy can, at times, be a hindrance to licence holders wishing to change the vessels attached to their licences or to licence holders who would like to lend their vessels to other fish harvesters. By eliminating this policy, there would no longer be any time limit to wait for vessel registrations. It is important to note again that any changes to the minimum period for vessel registration in the policy would not change the service standard for processing such requests by DFO Licensing.

### **Recommended Policy**

It is recommended to eliminate this policy thereby removing the time restriction that vessels must remain registered to a certain licence holder.

### **Implication of Proposed Amendment**

By removing the time restriction on how long a vessel must remain registered to a certain licence holder, there is a risk of an increase in transactions processed monthly for vessel registration. However, despite the possibility of an increase in the number of vessel registration requests, it will be less cumbersome for Licensing staff than dealing with requests that are not yet eligible due to the time restriction. We must continue, however, to communicate with industry that by eliminating this restriction will not mean that they can expect the current service standards for processing vessel registration requests to change from what it current is.

This change to policy may have the effect of a small increase in effort in certain fisheries such as halibut and herring, this increase, if it occurs would not be significant.

## **8. Splitting of Inshore and Coastal Licences upon the Reissuance of an Enterprise**

### **Current Policy**

When a Core or an Independent Core fish harvester requests the issuance of his/her licences as replacement licences to a qualified new entrant, ALL licences in his/her name must be issued as a package.

### **Suggested Options**

1. Status quo.
2. When a Core or Independent Core fish harvester requests the issuance of his/her licences as replacement licences to a qualified new entrant, ALL inshore licences in his/her name must be issued as a package. Any Coastal licences may be retained by the fish harvester making the request; his/her category would change accordingly.
3. Other.

### **What We Heard**

The results from the discussion with the inshore industry representatives gave us split results with approximately half preferring to maintain status quo and the other half preferring to allow option 2 which would allow coastal licences to be separated from the inshore licences when an enterprise is reissued to a new entrant.

Since this type of policy change would affect the coastal industry, this item will be separated from this exercise to allow for proper consultation with the coastal industry in each Administrative Area. It is important to obtain their feedback on an issue that may have a significant impact on the coastal fisheries as well.

### **Recommended Policy**

N/A – further consultation with the coastal industry will take place

### **Implication of Proposed Amendment**

N/A

## **9. Freeze Zones (as applicable to a new entrant)**

### **Current Policy**

In various Administrative Areas, freeze zones are applicable to Aboriginal organizations, Independent Core fish harvesters and qualified new entrants.

## **Suggested Options**

1. Status quo.
2. New entrants should not be restricted by freeze zones. In some cases, their homeports could be changed.
3. Other.

## **What We Heard**

A large majority of participants consulted favoured option 1 to maintain the status quo on the freeze zone applicable in their areas.

## **Recommended Policy**

Maintain status quo

## **Implication of Proposed Amendment**

Freeze zones will continue to apply to new entrants.

## **10. New Entrant – Definition of Five Weeks.**

### **Current Policy**

For inshore fisheries using vessels less than 19.8 m (65') length over all (LOA) in Eastern New Brunswick, Gulf Nova Scotia, and vessel-based fisheries using vessels less than 15.2 m (50') in Prince Edward Island, a fish harvester must meet the following criteria to be recognized as a new entrant:

1. Be recognized as a commercial fish harvester with his/her community (the applicant is responsible to provide a letter from an accredited fish harvester association or from three Independent Core fish harvesters recognizing him/her as a commercial fish harvester in his/her community); and,
2. While being registered, have fished commercially during:
  - 2.1. A minimum of two of the last five years immediately preceding the date of the application a minimum of five weeks in each of those qualifying years (including fishing contaminated fisheries).
  - OR
  - 2.2. Either the current or previous fishing season a minimum of five weeks and have gained significant commercial fishing experience in the past (three years with a minimum of five weeks in each qualifying year).

## **Suggested Options**

### **A. Defining five weeks:**

- A1 Five consecutive weeks.
- A2 Five weeks in blocks of one week periods, do not have to be consecutive.
- A3 Twenty-five days throughout the calendar year (five weeks x five days per week).
- A4 Thirty-five days throughout the calendar year (five weeks x seven days per week).
- A5 Other.

## **What We Heard**

The majority of the participants were in favour of option A2 which would see new entrants having to show that they have accumulated five weeks of fishing experience in blocks of one week periods. Another smaller portion of the participants felt that while option A2 would work, they favoured also adopting option A3 in which a new entrant would need to show that they have fished a total of at least 25 days throughout the calendar year. They opted for the most amount of flexibility for the new entrants whom they would like to see qualify under one option or the other.

## **Recommended Policy**

Define five weeks as blocks of one week periods, do not have to be consecutive.

## **Implication of Proposed Amendment**

Adding this definition to the policy would solidify the manner in which DFO has always applied the new entrant criteria. This would eliminate the ambiguity over what five weeks means. It also is consistent with the reason being for the fishing experience in the first place established when the new entrant criteria first came into effect. The experience in the fishery was required to show that an individual had an attachment to the fishery. By fishing only a day here and there, sporadically, it is felt that the individual does not have an attachment to the fishery. It is also felt that the individual may not accumulate sufficient experience this way to develop the know-how to operate licences on their own.

### **B. Fishing while registered:**

- B1 Add exemption for individuals whose fishing experience was gained prior to the age of 16 (by regulation, only individuals aged 16 or older must be registered while fishing).
- B2 Other.

## **What We Heard**

All participants consulted agreed with option B1 on this topic which would allow new entrants to use fishing time which was accumulated while they were under 16 years of age and not registered as commercial fish harvesters to qualify as new entrants.

## **Recommended Policy**

Add exemption for individuals whose fishing experience was gained prior to the age of 16 (by regulation, only individuals aged 16 or older must be registered while fishing).

## **Implication of Proposed Amendment**

Adding this exemption would maintain the spirit of the new entrant criteria by still recognizing fishing experience accumulated legally while individuals are under 16 years of age. As per the regulations, individuals under 16 years old do not have to be registered; therefore participating in the commercial fishery without a registration is legal. The criteria the way they currently stand do not recognize the time of individuals less than 16 for their experience if they were not registered during the fishing activity. This is not consistent with regulations; therefore an exemption would harmonize policy and regulations.



## **11. Eligibility Criteria – Area of Historical Fishing (for Eastern New Brunswick only)**

### **Current Policy**

In the DFO Administrative Area of Eastern New Brunswick, where vessels less than 15.2m (50') are used, an inshore replacement licence for any species, other than mackerel, tuna and snow crab, may only be issued to an Independent Core fish harvester, an Aboriginal organization or to a qualified new entrant:

1. Whose main place of residence is located in front of the waters (adjacent) of the same LFA for which the licence is valid, and
2. Whose area of historical fishing is in the LFA for which the licence is valid.

The definition of Area of Historical Fishing means the fishing area where a fish harvester has participated in fisheries during a period of not less than the preceding 24 months.

### **Suggested Options**

For historical fishing criteria:

1. Status quo.
2. Remove criteria which required historical fishing in a particular area.
3. Status quo on the criteria and remove the definition of Area of Historical Fishing thus removing the requirement for a defined period of time.
4. Whose fishing time to qualify as a new entrant was undertaken in the LFA and from the Administrative Area for which the licence is valid.
5. Other.

### **What We Heard**

The consultation on this item was only done in Eastern New Brunswick. Those who voiced an opinion were in favour of option 4 which would add a further requirement for individuals wishing to be reissued fishing licences for species other than mackerel, tuna and snow crab to have accumulated their fishing time in the LFA.

However, it was noted that the wording of option 4 could lead to issues for current licence holders who may wish to acquire additional licences long after they have qualified as new entrants. Therefore, after further consideration, it is proposed and accepted by those consulted on this topic that another option should be added which would read:

6. Who has actively harvested from the Eastern New Brunswick Administrative Area for a minimum of five weeks in each of at least two of the last five years.

### **Recommended Policy**

Add option 6 to eligibility criteria in section 24.4 (inshore chapter) and 36.3 (coastal chapter) of the current policy to read as follows: "Who has actively harvested from the Eastern New Brunswick Administrative Area for a minimum of five weeks in each of at least two of the last five years." This would replace the current criteria on historical fishing.

## **Implication of Proposed Amendment**

Adding the requirement for a fisher to have fished from the Eastern New Brunswick Administrative Area would potentially reduce the number of fish harvesters from other Administrative Areas who are coming to Eastern New Brunswick to acquire licences. It is often the case where fish harvesters from other Administrative Areas are providing documents to show they have resided in Eastern New Brunswick for the minimum six months required by policy then move back home after the licences are acquired. This creates very negative reaction from fish harvester in Eastern New Brunswick who would like to have a chance to acquire these licences when they become available at a fair market value, but fish harvesters from other areas are offering to pay much higher than what is considered fair market value in Eastern New Brunswick thus making it more difficult for long-time residents of Eastern New Brunswick to benefit from these licences. DFO has been criticized in the last couple years for allowing fish harvesters from Prince Edward Island to be issued licences from Eastern New Brunswick despite eligibility criteria having been met.



Fisheries and Oceans Canada Pêches et Océans Canada

Gulf Region  
P.O. Box 5030  
Moncton, New Brunswick  
E1C 9B6

[Date]

EKME # xxxxxxxx

Name  
Address  
Address  
Address

Dear Mr./Ms. Name:

**Re: Medical Substitute Operator Authorization**

On January 18, 2018, Fisheries and Oceans Canada (DFO), in the Gulf Region, made amendments to the *Commercial Fisheries Licensing Policy for the Gulf Region*. One of the amendments was to realign the substitute operator guidelines with the policies being applied in other fisheries in Eastern Canada. Authorizations for medical substitute operator will now be limited to a period of not more than a total of five years. The full substitute operator policy can be found in Annex VI at <http://www.glf.dfo-mpo.gc.ca/Gulf/Licenses-Delivery/Commercial-Fisheries-Licensing-Policy>.

This amendment was made after extensive consultations with fishing industry representatives. This amendment will support the reinforcement of the *Owner-Operator Policy*, which requires licence holders to personally fish the licences issued in their name.

You have been identified as a holder of commercial fishing licences who has been authorized for a medical substitute operator for a period of five years or more. Any further authorizations for substitute operator would go beyond the period now set out in the Policy to accommodate a licence holder affected by an illness.

We do understand that policy changes like this one require some advanced notice and time to plan. For this reason, DFO will allow 2018 as a grace period.

Please be advised that any requests beyond 2018 for a substitute operator authorization for medical reasons will not be approved. In the event you feel extenuating circumstances exist to warrant an exception to policy, you may submit a request to the Regional Licensing Appeal Board. Requests must be submitted a minimum of 90 days prior to the opening of the fishery in order to be assessed prior to opening day of the fishery.

.../2

Canada

Please contact Isabelle Elliott at [isabelle.elliott@dfo-mpo.gc.ca](mailto:isabelle.elliott@dfo-mpo.gc.ca) or 506-851-2698 if you require additional information.

Sincerely,

Frank Quinn  
Regional Director, Fisheries and Aquaculture Management

c.c.: Area Licensing  
Isabelle Elliott, DFO, Moncton, NB

**Pages 1065 to / à 1072**  
**are not relevant**  
**sont non pertinentes**

**Pages 1073 to / à 1130  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 23, 19(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 1131 to / à 1139  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**19(1)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



Honourable Jonathan Wilkinson, P.C., M.P.

Minister of Fisheries, Oceans and the Canadian Coast Guard

200 Kent Street, Station 15N 100

Ottawa, Ontario

K1A 0E6

September 15, 2018

Dear Minister Wilkinson:

I am following up on my letter of September 10<sup>th</sup> dealing with the Owner Operator and Fleet Separation policies. The *Nova Scotia Seafood Alliance* held its 2018 Annual General meeting in Halifax this past weekend. As part of the program, we debated (with the assistance of DFO staff from Dartmouth) the proposal to move elements of the licensing policies into the *Atlantic Fisheries Regulations*.

This letter is intended to update you on the results of our discussions and as a supplement to the September 10<sup>th</sup> letter. Most of the major inshore lobster buyers and shippers in Nova Scotia participated. All regions of the Province were represented.

Although our members are not directly affected by the substitute operator provisions of the policy, we had a robust discussion around allowing a substitute operator in cases of chronic illness and in other circumstances beyond the license holder's control. The member companies of the *Nova Scotia Seafood Alliance* are deeply concerned about the health and safety of those harvesters who supply our plants.

There was a strong consensus that if a license owner is not able to operate his vessel because of a chronic medical condition or serious accident, a substitute operator be allowed for an indefinite period as determined by the operator and his or her medical team. The cumulative five-year limit for substitute operators is too restrictive for harvesters who have a chronic condition or injury that will not improve.



Having a long-term qualified substitute operate the vessel provides much needed income for the license holder and their family, who need the support even more during times of illness. Forcing these families to divest of their license after five years is unnecessary and uncaring. Having an appeal process is time consuming and costly. The uncertain outcome of such proceedings also puts added stress on the license holder. It also destabilizes Canada's most successful export fishery.

As a group we are also aware of circumstances where a license holder has died, and the wish of the family is for a child or other family member, to take over the license. Occasionally, due to age or circumstance, the family member is not ready to operate the vessel and needs more than five years to acquire the education and experience necessary. In cases of a marriage break up, the spouse frequently is awarded 50% of the family assets by the courts. In cases like this, neither party can transfer a license without agreement from the other. Again, the policy as written does not appear to be a good fit with common sense.

Our members recognize the importance of PIIFCAF. However, in the 20 or so years since the policy was developed, the fishery in Nova Scotia has advanced beyond anything the originators of the policy could have reasonably imagined. Industry costs have risen dramatically – particularly with regard to the acquisition of limited entry licenses. Those exiting the sector are being rightly rewarded for their years of hard work and dedication to the industry. Just like any other successful business, harvesters have built equity in their assets (licenses, vessels and equipment).

At the same time, those looking to buy into a limited entry fishery must find a way to finance the purchase. Frequently the price can exceed \$1 million. Traditional commercial lenders require down payments and other guarantees that are not often not attainable by otherwise qualified new entrants. This is where shore-based seafood companies play a crucial a role. By financing a portion of the entrance price, seafood companies give the harvester an opportunity to meet the conditions of the banks or find alternate financing if the banks refuse a loan altogether. The harvester maintains the same control over the license in either case. It also gives the plant secure access to product during the period of the loan. We see this as good for the new and departing entrant, the fish plant, the community, and a sustainable fishery.

The policy states that in the case of recognized lenders (traditionally the major banks, credit unions and the loan board), the new legislation allows for licenses to be used as collateral and for limited transfer of rights or privileges if the loans are defaulted. We are asking that land-based seafood companies - that provide vital financing to new entrants - be defined in the policy as recognized lenders.

I would like to close by telling you we are perplexed and concerned that DFO proposes to entrench license policy in legislation at all. History shows that the fishery in Canada continuously evolves over time. Change will continue and almost certainly accelerate in our industry. Indeed, licencing policy has already evolved continuously - from a completely open fishery in the 1950s and 60s, to declaration of the 200-mile limit and limited entry of the 1970s, to Owner Operator, Fleet Separation and quota-managed fisheries of the 1980s and 90s, to indigenous rights and court decisions of the 2000s.

Future drivers will include demographics and labour shortages, climate change and resource shift, trade agreements and foreign ownership and advances in technology. In this context, why would the *Standing Committee of Fisheries and Oceans* and the government want to restrict the power of the Minister as they are now proposing to do under changes to the Fisheries Act.

In our view, DFO Ministers will require flexibility to act quickly and nimbly in reaction to changing circumstances. This requirement will be frustrated, rather than enabled, by the burdensome regulatory process embedded in currently proposed amendments to the Fisheries Act. After all, the Act has been difficult (at best) to amend since it was first introduced in 1867. In the future, sensible changes to policy or legislation will be required more than once or twice a generation.

In short, we fully endorse Ministerial power to put in place policies that are supportive of the industry and to amend those policies as required. In that light, we are recommending DFO not proceed with moving license policy to legislation. Instead, DFO should work in partnership with harvesters, buyers, processors and indigenous peoples to review the existing policy and modify it as the Minister feels necessary. We are confident that these groups, working closely with the staff of DFO, can develop policies that focus on the best interests of the overall industry, and thus develop an overall approach to fisheries management that is recognized as best-practice globally.

Thanks for considering our views and please get in touch if you require additional information about our Alliance.

Sincerely,

Leo Muisse

*Executive Director*  
Nova Scotia Seafood Alliance

cc. Nova Scotia MP's

Premier Stephen MacNeil

Minister Keith Colwell

**Minister / Ministre (DFO/MPO)**

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**From:** [REDACTED]  
**Sent:** September-18-18 7:36 AM  
**To:** Minister / Ministre (DFO/MPO); Independent Fishers / Pecheurs Independants (DFO/MPO); Minister / Ministre (DFO/MPO)  
**Cc:** keith.colwell@novascotia.ca; steven.macneil@novescotia.ca; Andy Fillmore; Bernadette Jordan; Bill Casey; Colin Fraser; Darrell Samson; Darren Fisher; Geoff Regan; Mark Eiyking; Rodger Cusner; Scott Brison; Sean Fraser; Blair MacKinnon; Brock Zinc; Glen Fewer; Kerry Cunningham; 'Mike Pothier'; 'Monte Snow'; Nathan Blades; Nathan Boudreau; Osborne Burke; Paul Richer ; Phil LeBlanc; Sharon Williams; Sherman d'Eon; Stewart Lamont; Terry Zinck  
**Subject:** Follow-up Letter to DFO on Owner Operator and Fleet Seperation  
**Attachments:** Letter to DFO September 16th - final.docx

Attached is a follow up letter to my September 10<sup>th</sup> letter responding to the proposal to place certain provisions of the DFO license policy in legislation. The signed version was mailed to Minister Wilkinson today. The Nova Scotia Seafood Alliance held its Annual General Meeting on September 14<sup>th</sup> and 15<sup>th</sup> We had a robust discussion on many issues , including the Owner Operator and Fleet Separation Policies. This letter reflects the outcome of those discussions.

As always, if follow up is required do not hesitate to reach out.

*Working together works!*

**Leo Muisse**

Executive Director

Phone: 902.229.1029 Fax: 902.742.8391



**Pages 1144 to / à 1147**  
**are not relevant**  
**sont non pertinentes**

**Pages 1148 to / à 1153**  
**are duplicates**  
**sont des duplicatas**